

# Your guide to Jury Service



## **Contents**

Introduction	1
Preparing for your first day	2
Your first day at court	4
Selecting / empanelling a jury	4
Who's who in court	6
The trial process	9
In the jury deliberation room	11
Complaints	14
Frequently asked questions	15
Glossary of some commonly used legal terms	22

## Introduction

**Jurors are required to decide the outcome of a trial in the Crown Court and will hear the more serious criminal cases such as theft, burglary and drugs offences. Jurors may also be required to hear cases involving murder and rape, although these types of cases are less common. You will be asked to decide, on the evidence presented to you in court, whether the person charged with an offence is guilty or not.**

From April 2004, for the first time, nearly everybody on the electoral register in England and Wales who is between the ages of 18 and 69 is eligible to serve on a jury and each year, approximately 180,000 people perform this vital public duty. Your name was randomly selected by the Jury Central Summoning Bureau from an electronic copy of the electoral register. Randomly selecting names from such a large pool of potential jurors should ensure that those called for jury service properly reflect the community from which they are drawn.

Everyone has something unique from their own experiences to bring to a jury. The experiences and knowledge of those summoned will differ, yet each juror will be asked to consider the evidence presented to them and then apply their common sense in order to determine whether or not the defendant is guilty.

When a jury reaches a verdict, they are not only making a decision that affects the individual defendant, they are also making a decision that affects the communities in which they live. It is for this reason that jury service is regarded as one of the most important civic duties that anyone can be asked to perform. Few decisions made by members of the public have such an impact upon society as a jury's verdict. Your contribution is greatly appreciated.

This booklet is intended to assist you before, during and after your jury service in the Crown Court. More general information about Her Majesty's Courts Service can be found at **[www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)** . A virtual walkthrough of a juror's experience in the Crown Court can be found at **[www.cjsonline.gov.uk/juror](http://www.cjsonline.gov.uk/juror)**.

**If you have further questions, you can contact the Jury Central Summoning Bureau on *0845 355 5567* up to one week before your jury service is due to begin. After that time, you must contact the Jury Manager of the Crown Court you have been summoned to attend, whose number will be shown on the local information leaflet sent to you with this booklet. Please state your name and juror number when contacting the Bureau or the court.**

## **Preparing for your first day**

Jury service usually lasts for up to two weeks and it is important that you inform your employer, child carer or anyone else who might be affected by your absence. If a trial is likely to last longer you will be asked at the court if this would be difficult for you, and you may be asked for evidence to prove this.

You should have pages 1 and 2 of your Jury Summons form ready plus another form of identification. Acceptable forms of ID are: passport, driver's licence, utility bill, credit card or DSS claim ID. You will be asked to show these when you arrive at court on your first day. These will be used by the court staff to confirm your identity.

It is important that you wear something comfortable, as you will be sitting down for a long time. While there is no strict dress code you are asked to dress in smart casual clothing.

## **Arrival time**

It is important that you arrive on time but, because of the complex nature of criminal trials, it is not always possible for the trial to begin at the exact time on which it is listed; for example, there may be legal issues to resolve before the case begins. For this reason, you are invited to bring a book or newspaper for periods where you may have to wait before being empanelled on a jury.

While you may bring your mobile phone or laptop computer for use in the jury assembly area, you should note that you will not be allowed to take them into the court or retiring room with you. Court staff cannot take responsibility for these items if left in the jury assembly area. Personal stereos and other recording equipment are also not allowed in the court or retiring room.

You should allow plenty of time to arrive at court. Criminal trials involve many people and delays are very costly to the public purse. If you are delayed, you should notify the Jury Manager at the court as soon as possible.

You may choose to bring a packed lunch or you may leave the court building at lunchtime if you wish. Catering facilities may be available at the court and you are asked to refer to the local information leaflet enclosed with your confirmation letter, which will show what facilities are available in the court to which you have been summoned. A daily allowance for food and drink will be available; please ask at the court if you require more information on this.

When you arrive at court, you may be searched by a security guard before you are directed to the jury assembly area.



## Your first day at court

Once you have arrived at court and been shown to the jury assembly area, your identification will be checked. This is done to ensure that only those confirmed to attend jury service serve and that no one else is using your identity to pervert the course of justice.

Once all those summoned to serve have arrived, you will be shown a video explaining your role as a juror and what happens in the courtroom. If no video is available, a court official will talk you through the whole process.

## Selecting / empanelling a jury

When a court is ready to select a jury, a court official will choose a group of people at random from those in the jury assembly area. Normally 15 people will be called at a time. When all have been called, a court official will take you to the courtroom.

The usher will give the court clerk a set of cards with each juror's name. The clerk will read out names at random. If your name is read out, answer "yes" clearly, then go to the jury box, or bench as it is sometimes called, and sit where the usher shows you. You will be asked to sit in the same place for the duration of the trial.

When there are 12 of you in the jury box the court clerk will call out each name and each of you will be sworn in. When your turn



comes you must either take an oath on a holy book *of your choice* or you must affirm. This is similar to swearing in but without the holy book. You can read the words aloud from a card or you can repeat them after a court official if you prefer.

An example of the wording for each is reproduced below.

**The oath:**

I swear by Almighty God that I will faithfully try the defendant and give a true verdict according to the evidence.

**The affirmation:**

I do solemnly, sincerely and truly declare and affirm that I will faithfully try the defendant and give a true verdict according to the evidence.

You are now officially the jury. It is possible that the prosecution or the defence may challenge any member of your jury if they have doubts as to the impartiality of that person. For example, if someone in the courtroom recognises or knows a juror then there may be concern that that juror will not act in the impartial manner expected of them. If you are challenged and the judge allows the challenge, you must leave the jury box. The court clerk will call someone else to take your place. A court official will take you back to the jury assembly area with the others who were not chosen. Even if you are successfully challenged, you may be called to serve on a trial in another courtroom.

*If at any point in the trial you recognise the defendant, a witness, the judge, an advocate or solicitor you must tell a court official at once - otherwise this could result in an unfair trial. The judge will then decide whether you should remain on the jury or not.*

Once the jury is properly empanelled, the trial will then begin.

**IMPORTANT – You are not to disclose or discuss any aspects of the trial with anyone who is not a member of your jury. It is an offence for anyone outside your jury to try and influence you about a case. If anyone approaches you about a case you must tell a court official or police officer at once.**

## Who's who in court

As you will see from the picture opposite, there are many people in a courtroom during a criminal trial. Listed below are the main parties and their role in the trial.

**Judge** - The judge is in charge and is responsible for making sure the trial is presented to the jury in an understandable and balanced way. The judge settles any legal argument, directs the jury and, if the defendant is found guilty, decides the appropriate sentence.

**Court Clerk** - The clerk has many responsibilities essential to the running of the court, including the preparation of the judge's papers. The clerk will take the verdict from the jury foreman.

**Usher** - Ushers move around the court during the trial, helping it to run smoothly. There are sometimes two ushers - the jury's usher and the witnesses' usher. In some courts there is only one. They guide the jury and witnesses into and out of the court and administer oaths.

**Prosecution Advocate** - The prosecution advocate is a lawyer whose job is to present the evidence against the defendant. They explain to the court what the defendant is accused of doing. They are responsible for presenting the case against the defendant.

**Crown Prosecution Service (CPS) Representative** - The Crown Prosecution Service (CPS) decides if crimes investigated by the police should go to court. A CPS representative will have prepared the case against the defendant, although it may not be the CPS representative that appears in court. He or she will usually sit behind the prosecuting advocate to instruct and assist them during the trial.

If the trial is prosecuted by someone else, e.g. Customs & Excise, their representative will carry out this role.

**Defence Advocate** - The defence advocate is a lawyer who represents the person accused of the offence or offences. They do this by questioning the prosecution case and presenting evidence on behalf of the defendant. If the jury find the defendant guilty, the defence advocate will then present the judge with arguments to be taken into account in deciding the sentence. This is called the plea in mitigation.

**Defence Representative** - The defence solicitor is the legal representative for the defendant and will assist the defence advocate in preparing the case for court. The defence representative will take notes during the trial in case the defence advocate needs to refer to things said earlier. The defence solicitor will usually sit behind the defence advocate to instruct and assist during the trial.



A Prosecution Advocate  
B Public Gallery  
C Defence Advocate

D Court Clerk  
E Judge  
F Juror

**Defendant** - The defendant is the person accused of the crime. In some cases there is more than one defendant. They don't have to prove their innocence - it is for the prosecution to prove they are guilty.

**Dock Officer** - The dock officer acts for the Prison Service and will accompany the defendant throughout the trial.

**Witnesses** - A witness is a person who gives evidence in the trial either on behalf of the prosecution or the defence. Often the witness saw the offence committed, either as a victim or as a bystander. The witness may be a police officer giving details of the arrest, a doctor giving medical evidence or a forensic officer reporting the findings of a fingerprint search. Some trials have expert witnesses. These are professional people who are asked to give their expert opinion on specific evidence.

**Probation Representative** - The National Probation Service may be asked by the judge to prepare a pre-sentence report for the court if a defendant is convicted. This will include whether they believe the defendant is suitable for a community-based sentence. They also supervise some of the penalties.

**Press** - Members of the press may be there to report on the trial.

**Public Gallery** - The public gallery is an area of the court that is usually open to everyone to view the hearing.



## The trial process

All criminal trials follow a similar pattern. A defendant or series of defendants will have been accused of a crime. The defendant may be being held in custody (i.e. in prison), or they may be on bail.

All defendants are innocent until proven guilty of the crime. During the course of the trial, arguments and evidence will be presented. It is for the jury to decide if the arguments and evidence presented to it by the prosecution have made them sure *beyond reasonable doubt* that the defendant is guilty.

**Note taking** - Jury members will be provided with a pen and paper so as to make any notes they wish. You are not required to do this but you may find it useful.

**Start of the trial** - the trial will begin with the court clerk reading aloud the charges against the defendant. The indictment is a list of these charges and you may be given a copy of it.

It is for the prosecution to make the jury sure *beyond reasonable doubt* that the defendant is guilty. You will therefore hear the prosecution case first, beginning with an outline of the details of the case.

**IMPORTANT – If you are unsure or uneasy about anything during the trial, you should write this down and raise your hand to attract the attention of the usher. The usher will then pass your note to the judge who will address your query / concern.**

**If you feel ill or need to use the toilet or if you cannot hear any part of the trial, you should also attract the usher's attention.**

**Examination of witnesses** - the prosecution will call its witnesses. All witnesses must swear to tell the truth. The prosecution then questions the witnesses - this is called evidence in chief. When the prosecution has finished, the defence has the opportunity to question each witness to find any weaknesses or contradictions in their evidence - this is called cross-examination.

Once all the prosecution witnesses have been questioned, cross-examined and, if necessary, re-examined by the prosecution, it is the turn of the defence to put its case, if it wishes to do so. The defence may call its own witnesses who are, in turn, cross-examined by the prosecution and, if necessary, re-examined by the defence.

The judge may intervene at any time during the trial to prevent irrelevant questioning or argument, to protect witnesses, to clarify issues or to keep the case within any agreed time scale.

Trying a case is a complicated legal process and there will be times when the judge and advocates may need to discuss a point of law. If this is the case, the judge will ask the jury to leave the court for a short time. It is not for the jury but for the judge to decide on points of law. It is possible that such discussions may unduly influence the jury's conclusion and it is for this reason that they are excluded from these discussions.

If you are asked to leave, an usher will lead you out of the court to the waiting area outside. While you are out, the judge, prosecution and defence will discuss the legal implications of the point raised. Once this matter has been resolved, you will be asked back into the courtroom.

**Closing speeches** - once all of the evidence has been given to the court, prosecution and defence advocates may make closing speeches. They will talk directly to the jury as they argue their respective cases.

**Summing up and direction by the judge** - at the end of the trial, the judge will explain the law to the jury and summarise the facts of the case. The judge will give directions about the duties of the jury before you retire to the jury deliberation room to consider the verdict.

At the end of the summing up, the judge should advise the jury to appoint a foreman. The foreman will act as the spokesperson for the jury and will announce the verdict.

## **In the jury deliberation room**

An usher will take you and the other jurors to the jury room. You will be allowed to take into the jury room any notes you have made during the trial as well as a copy of the indictment. In some cases you may also be allowed to take exhibits submitted during the trial.



**No mobile phones can be taken into the jury room. Any juror in possession of one can be found in contempt of court, and can be fined or imprisoned.**

While you are in the jury room you will **not** be allowed to have contact with anyone outside except by giving a note to the usher and you will be shown how to contact the usher should you need to.

It is the jury's role to come to a verdict on the trial it has heard. Based on the evidence presented in the courtroom, the argument of both sides and the directions of the judge, you must decide whether the prosecution has proved beyond reasonable doubt that the defendant is guilty of the charges made against them. It is for you and the other members of your jury alone to consider the evidence and reach a verdict. You must only discuss the case in the jury room when all the jurors are present.

If, at any time during your deliberations, you would like the judge to clarify or explain anything about the case, you may send a note via the usher. You will then go back into the courtroom and the judge will give you as much help as possible. *Please note that no new evidence can be given at this stage.*

You will be allowed plenty of time to discuss the evidence amongst yourselves and to make a decision upon which you all agree. However, in some cases, jurors do not all agree as to what the verdict should be. In these situations the judge may accept a decision upon which most of you, but not all of you are agreed. This is known as a majority verdict.

If no verdict has been agreed by the end of the day, the jury will be brought back into the courtroom and the judge will remind you that you should not talk to anyone about the case. You will then be formally released until the following morning. The next morning you will be called into the court and directed to go to the jury room. Usually you will go home overnight but in some special circumstances you will stay in a hotel. This is normally if the trial has a high media profile and you may be exposed to reports which might influence you.

When you have reached a verdict, you will be taken back to the courtroom. The court clerk will ask the jury foreman for the verdict. The foreman must take care to only answer the questions the court clerk asks.



When the verdict has been given, your work on that case is over. If you find the defendant guilty the judge may sentence immediately, or may ask for pre-sentence reports to be prepared by the Probation Service. If a pre-sentence report is required then the defendant will be called back at a later date for sentencing.

After the verdict has been given, you should stay in the jury box until an usher asks you to leave the courtroom and return to the jury assembly area. You must always report back to the court officials after a trial, as you may be a juror in more than one trial during your jury service.

## Complaints

If you have a complaint, a member of staff will try to sort out your problem there and then. If you are still not happy you can speak to the Customer Service Officer or the Court Manager.

You may also be able to claim compensation if you have lost money or run up costs because of a mistake by court staff. If you want to claim compensation you must write to the Court Manager.

**Please note** - judges never answer letters about cases they have heard and the Court Manager cannot look into complaints about barristers, solicitors or other organisations. Judges are independent and the Court Manager cannot look into claims where you feel:

- the judge's decisions were unfair or wrong; or
- the judge did not handle the case properly.

If you want more information about how to complain and how to claim compensation, please ask a court official for the leaflet "I want to complain. What do I do?"

## Frequently asked questions

### ***Before the trial***

#### **Do I have to serve?**

Yes. The Criminal Justice Act 2003 contained provision to ensure that nearly all members of society are eligible for jury service. If you have been summoned for jury service and had that summons confirmed, then you are under a legal obligation to participate in the criminal justice process as a juror.

#### **Can someone else take my place?**

No. A summons is only for the person named on the summons. It cannot be transferred to anyone else. It is an offence for someone to impersonate a juror.

#### **What if I don't feel well before I reach the court?**

Please call your jury manager at the court as soon as possible. In some cases the trial may have to be postponed for a day. Delaying a trial is extremely costly and is not a good use of public money. For this reason, it should be avoided if possible.

#### **What if my employer doesn't want to let me have time off work?**

With effect from 5th April 2005 they are required by law to let you have unpaid time off work to complete jury service. If you are concerned that jury service will conflict with work commitments, you can apply for deferral or excusal at first. You are likely to be offered deferral in the first instance. Your employer cannot apply for deferral or excusal on your behalf, only the person summoned for jury service.

(For further information on individual employment rights, visit the DTI website at [www.dti.gov.uk/er/individual.htm](http://www.dti.gov.uk/er/individual.htm). In particular, the following may be of interest:

- PL712 Unfairly dismissed?
- PL714 Employers' guide on fair and unfair dismissal
- PL716 Guide to individual rights of employees

## ***Before the trial (cont.)***

### **Can I take someone with me to the court?**

It is recommended that you do not do so unless they are there to assist you (see the question below on special needs). You will not be able to be with them during the day, except possibly at lunchtime, and you will not be allowed to talk to them at all about the trial you are working on.

## ***While at court***

### **What time does the court sit?**

The court normally sits from 10.30am to 4.30pm each day. However, depending on the way the trial progresses, the judge may direct you to sit longer or shorter hours on a daily basis.

### **Can I take my mobile phone and computer into the court?**

You can use your mobile phone and computer in the jury assembly area. For security reasons, personal stereos, mobile phones, tape recorders or other electronic equipment are not allowed in the courtroom or jury room. You can hand them in to the enquiry desk when you are called into court, but court staff will not be responsible for any damages that may occur. You will be solely responsible for any items left at the enquiry desk.

### **Is there somewhere I can leave my children while I'm in court?**

There are no child-minding facilities in most courts. You may claim for any extra payments you have to make to a carer or a child-minder as a result of your jury service, provided that your claim for financial loss (including child-minding and loss of earnings) does not exceed the maximum stated on the allowance sheet. Collect a child-minding certificate from the jury enquiry desk; your child-minder needs to complete and return this. Claims are calculated on an individual basis.

*While at court (cont.)*

### **What facilities are there for special needs?**

While many courts have full facilities for people with disabilities, you should contact the Jury Manager at the court to which you have been summoned to establish what facilities they have, and to let them know in advance if you have special needs.

### **How long will I be kept waiting before being called to sit on a jury?**

A trial in the Criminal Justice System involves many people who need to be “trial ready” on the date their case is listed for. In most cases this happens and jury members are not required to wait long before being called to serve on a jury.

However, if there are problems, for example, a witness has not arrived or the defendant is ill, then you may be required to wait until the court has resolved the matter. In other instances, the defendant may have pleaded guilty at the last minute and so the trial does not go ahead.

In such circumstances, it is difficult to predict how long you may need to wait and it is for this reason that you are advised to bring a book with you. The court will do all it can to ensure that you are not kept waiting long as it is not an efficient use of a jury, or public money, to have jurors waiting for a trial to be ready.

### **Does the court have facilities for prayer?**

Some courts do provide separate areas for prayer and quiet thought. Contact your local court Jury Manager for further information.

*While at court (cont.)*

### **Will catering facilities be available?**

Courts will normally provide refreshments for jurors undertaking jury service. These can be obtained at the court catering outlet and jurors may choose refreshments up to the value of the daily fixed allowance. At a small number of centres we have no catering arrangements on the court premises; at these locations, and for jurors who for religious, dietary and other reasons are unable to use the catering facilities, an allowance will be paid retrospectively with other expenses.

### **What if I need to talk to a member of court staff in private?**

Ask the Jury Manger if you can have a private discussion. They will do their best to assist you.

## ***Empanelment and during the trial***

### **Which trial will I serve on?**

You won't know which trial you will be on until you have been sworn in. Even when you are taken up to a courtroom, you may not be selected for that case. The reason for summoning jurors this way is to ensure that they have made no prejudgments regarding the case they will hear and that they are impartial.

### **Why are more people taken up to court than sit on the jury?**

This is to show the courtroom that the 12 people have been selected at random from the group. This also allows for 12 to be selected more easily in case there are any challenges made by the defence or prosecution. When a case is expected to go on for more than two weeks, a larger group of people will be taken up to court, as there will be some people who will be unable to serve on the jury for that long.

## *Empanelment and during the trial (cont.)*

### **What if I'm asked to sit for longer than two weeks?**

While most cases can be successfully completed within two weeks, there will be some, possibly more complicated cases, that cannot. If you are empanelled to sit on such a case, the judge will usually advise you of this before you are sworn in.

If you are unable to sit for longer than two weeks, you should explain your reasons to the judge who will decide whether or not you will serve on that trial. You may be required to provide evidence. The judge's decision is final.

### **What is the jury box?**

The jury box is the area where you and the rest of the jury sit during the trial. In some courts it is known as the jury bench.

### **Do I always have to sit in the same place?**

Yes. Once you have been sworn onto a jury you must always sit in the same place in the jury box.

### **Why do the lawyers and court officials bow to the judge when they enter the room?**

They aren't bowing to the judge. They are bowing to the Queen's coat of arms above the judge, to show respect for the Queen's justice.

### **Am I allowed to take notes?**

Yes. Paper and pens are provided for your use. These can only be used in the courtroom and you cannot take them home. You may take them into the jury room when you deliberate. At the end of the trial your notes will be destroyed.

### **What if I don't understand what's being said?**

The legal professionals know that most jury members are not familiar with what goes on inside the courtroom. They will make sure that they express everything in a way that you can understand since it is you who will be deciding the verdict on the case. If you have any problem, you may pass a note to the judge via an usher to ask for clarification.

**What if I feel unwell during my time on the jury?**

If at any point you feel unwell, need to use the toilet or are distressed by the evidence, attract the attention of one of the court officials.

**Is there a time limit on how long we can deliberate?**

You will be asked to try to reach a decision upon which you are all agreed and there is no limit to the time you can spend discussing the case. However the judge may eventually ask for a majority decision. This is a decision agreed on by most, but not all, of you.

**Can I ask anyone outside my jury for his or her opinion or help in coming to a decision?**

NO. Under no circumstances must you talk to anyone, other than the other jurors in your case, about the case you have heard. To do so may put you in contempt of court, jeopardise the outcome of the case, and you may be liable for a fine.

**What happens if I am concerned about the behaviour of another juror?**

If you think a jury member is acting inappropriately you should pass a note to the judge via the court clerk or usher. You **MUST** do this before the foreman gives the verdict.

**How do I know when to turn up each day?**

You will be instructed at the end of each day as to when you should arrive for the following day. Sometimes the judge may call for a break in the trial to allow the defence or the prosecution to continue their preparations, so you may be asked to come back in two days' time. Please remember the time you have been called for and make sure the Jury Manager has a contact number for you in case the time is changed.

## ***Empanelment and during the trial (cont.)***

### **If I get a day off, am I allowed to go back to work?**

This will be dependent on what your employer has put on your Loss of Earnings form. If your employer has said you can return to work during any full or half day breaks then you should do so. You will not be able to claim any loss of earnings for the full or half days you return to work.

If you are allowed to return to work, do not discuss the details of any trial with anyone - remember you will still be under oath, even when you are outside the courtroom.

### **What if I feel upset during or after the trial?**

On occasion the details of a trial may be distressing. If you feel upset during or after a trial please speak to the Jury Manager. They will be pleased to give as much help as they can. Remember, they will not be able to discuss the case with you.

## ***After the trial***

### **How can I find out what sentence was passed?**

The judge may sentence immediately but sometimes he or she will ask for the National Probation Service to prepare pre-sentence reports, so it may be several weeks before a judge can decide on what sentence is given. If you want to know the outcome of a case, you can contact the court the day after the case was fixed for sentence.

### **How many trials will I sit on?**

The majority of cases take one to three days, so it is possible you will sit on more than one trial over your two-week period. This will depend on the circumstances of the trial you are sitting on.

# **Glossary of some commonly used legal terms**

## **Accused**

The person charged with committing the offence.

## **Acquittal**

Discharge of a defendant following a verdict or direction of not guilty.

## **Act**

Law, an Act of Parliament.

## **Actus reus**

A guilty act. The act, omission to act or state of affairs which is required to be proved to show the offence has been carried out.

## **Ad hoc**

For this special or particular purpose.

Ad hoc decisions are made as and when a situation demands. Ad hoc committees are formed to address a particular issue.

Ad hoc meetings would take place to discuss specific matters.

## **Adjourned indefinitely (generally) or sine die**

An adjournment without appointing any day for meeting again.

## **Adjudication**

Judgment or decision of a court or tribunal.

## **Advocate**

A barrister or solicitor representing a party in a hearing before a court.

## **Affidavit (see Statement)**

Sworn written statement used in evidence. A written statement of evidence confirmed on oath or by affirmation to be true and taken before someone who has authority to administer it.

**Affirmation**

Declaration by a witness or juror who has no religious belief, or has religious beliefs that prevent him / her taking the oath, that the evidence the witness is giving is the truth or that the juror will faithfully try the defendant and give a true verdict according to the evidence.

**An application**

The act of applying to a court.

**Applicant**

Person making the request or demand, e.g. person who issues an application.

**Assisted person**

A party to legal proceedings who is receiving Legal Aid.

**Bail**

Release of a defendant from custody, until his / her next appearance in court, subject sometimes to security being given and / or compliance with certain conditions.

**Bar**

The collective term for barristers.

**Barrister (see Counsel; Queens Counsel)**

A member of the Bar: the branch of the legal profession which has rights of audience before all courts.

**Bench warrant**

A warrant issued by the judge for an absent defendant to be arrested and brought before a court.

**Bill of indictment**

A written statement of the charges against a defendant sent for trial to the Crown Court, and signed by an officer of the court.

**Bind over for sentence**

An order which requires the defendant to return to court on an unspecified date for sentence. Failure to observe this order may result in a forfeit or penalty to be enforced.

**Bona fide**

In good faith, honestly. A Bona Fide Agreement is one entered into genuinely without attempt to defraud.

**Brief**

Written instructions to counsel to appear at a hearing on behalf of a party prepared by the solicitor and setting out the facts of the case and any case law relied upon.

*(Also used as slang by defendants referring to their barristers "my brief").*

**Case number**

A unique reference number allocated to each case by the issuing court.

**Caution**

- i) Administered by a police officer on arrest of a suspect telling the suspect of their rights.
- ii) A formal warning, given by a police officer to a person who admits an offence where the police do not intend to prosecute.

**Chambers**

- i) Private room or court, from which the public are excluded, in which a judge may conduct certain sorts of hearings,
- ii) Offices used by a barrister.

**Charge**

A formal accusation against a person that a criminal offence has been committed.

**Circuit judge**

A judge who sits in the County Court and / or Crown Court (may also sit as a High Court judge).

**Common law**

The law established, by precedent, from judicial decisions and established within a community.

**Compos mentis**

Of sound mind. Legally fit to conduct / defend proceedings.

**Contempt of court**

Disobedience or wilful disregard to the judicial process. Interference with the course of justice in legal proceedings.

**Counsel**

Those who advise and represent litigants. Formerly only meant barristers but now includes solicitors with appropriate rights of audience.

**Count**

An individual offence set out in an indictment.

**De facto**

In fact. Existing as a matter of fact rather than of right.

**Defendant**

The person against whom court proceedings are brought (e.g. the person sued, standing trial or appearing for sentence).

**Deponent**

Person giving evidence by affidavit or affirmation.

**Deposition**

A statement of evidence, usually written down, and sworn on oath or by affirmation.

**Discontinuance**

Notice given by the claimant or prosecution that they no longer wish to proceed with the case.

**Dock**

Enclosure in criminal court where the defendant sits or stands during all proceedings.

**Either way offence**

An offence that can be tried in the magistrates' court or the Crown Court, depending on the seriousness of the offence or the choice of the defendant.

**Exhibit**

Item or document referred to in an affidavit or used as evidence during a court trial or hearing.

**Ex parte**

By a party. An ex parte application is made to the court during proceedings by one party in the absence of another or without notifying the other party.

**Expert witness**

Person employed to give evidence on a subject in which they are qualified or have expertise.

**Guardian (see Next friend)**

A person appointed to safeguard / protect / manage the interests of a child or person under mental disability.

**Indictable offence**

A criminal offence that can be tried by a jury. The more serious indictable offences can only be tried in the Crown Court. Less serious offences (either way offences) can be tried in the magistrates' court or on indictment in the Crown Court as an indictable offence.

## **Injunction**

An order by a court either restraining a person or persons from carrying out a course of action or directing a course of action be complied with. Failure to carry out terms of the order may be punishable by imprisonment.

## **Judge**

An officer of the court appointed to administer the law and who has authority to hear and try cases in a court of law.

## **Judgment**

A decision made by a court in respect of a matter before it.

## **Judicial / Judiciary**

- i) Relating to the administration of justice or to the judgment of a court,
- ii) A judge or other officer empowered to act as a judge,
- iii) The collective term for judges.

## **Jurisdiction**

The area and matters over which a court has legal authority.

## **Legal Aid**

Facility for the fees and expenses of counsel, solicitors or other legal representatives retained by those of modest means to be paid from a fund administered by the Legal Aid Board.

## **Mens rea**

Guilty mind. The intention to commit a criminal act. The state of mind that the prosecution must prove a defendant to have had at the time of committing a crime in order to secure a conviction.

## **Mitigation**

Reasons submitted on behalf of a guilty party in order to excuse or partly excuse the offence committed or to put forward personal circumstances in an attempt to make the sentence less severe than it might have been.

**Next friend (see Guardian)**

A person representing a minor or mental patient who is involved in legal proceedings.

**Non-molestation**

An order within an injunction to restrain one person from attacking or going near another person.

**Oath (see Affirmation)**

A verbal promise by a person with religious beliefs to tell the truth.

**Order**

A direction by a court.

**Party**

Any of the participants in a court action or proceedings.

**Plea**

A defendant's reply to a charge put to him by a court; i.e. guilty or not guilty.

**Power of arrest**

An order attached to some injunctions to allow the police to arrest a person who has broken the terms of the order.

**Precedent**

The decision of a case which established principles of law that act as an authority for future cases of a similar nature.

**Prima facie**

First sight. Prima facie evidence would be considered sufficient to prove a case in the absence of evidence to the contrary. If no prima facie evidence can be offered there is no case to answer.

**Prosecution**

The institution or conduct of criminal proceedings against a person. Counsel representing the Crown in a case are often referred to as "the prosecution".

## **Queen's Counsel (QC) or Silk**

Barristers of at least ten years standing may apply to become Queen's Counsel. QCs undertake work of an important nature and are referred to as 'silks' which is derived from the courts gown that is worn. Will be known as King's Counsel if a king assumes the throne.

## **Recorder**

Members of the legal profession (barristers or solicitors) who are appointed to act in a judicial capacity on a part-time basis. They may progress to become a full-time judge.

## **Remand**

To order an accused person to be kept in custody or placed on bail pending further court appearance.

## **Right of audience**

Entitlement to appear before a court in a legal capacity and conduct proceedings on behalf of a party to the proceedings.

## **Solicitor**

Member of the legal profession chiefly concerned with advising clients and preparing their cases and representing them in some courts. May also act as advocates before certain courts or tribunals.

## **Statement**

A written account by a witness of the facts or details of a matter.

## **Statutory Instrument**

A piece of legislation that details the procedural parts of an Act and is as much a part of law as the Act itself.

## **Subpoena**

A witness summons issued to a person directing their attendance in court to give evidence.

**Summary offence (see Indictable, Either way offence)**

A criminal offence which is triable only by a magistrates court.

**Summing-up**

A review of the evidence and directions as to the law by a judge immediately before a jury retires to consider its verdict.

**Summons**

Order to appear or to produce evidence to a court. Also the old name for a claim form.

**Verdict**

The finding of guilty or not guilty by a jury.

**Witness (see Expert witness)**

- i) A person who gives evidence in court,
- ii) Someone who observes the signing of a legal document.

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