

Trial and sentence in
a magistrates' court

Duty of justices' legal adviser

- 37.14.**—(1) A justices' legal adviser must attend, unless the court—
- (a) includes a District Judge (Magistrates' Courts); and
 - (b) otherwise directs.
- (2) A justices' legal adviser must—
- (a) give the court legal advice; and
 - (b) if necessary, attend the members of the court outside the courtroom to give such advice; but
 - (c) inform the parties of any such advice given outside the courtroom.
- (3) A justices' legal adviser must—
- (a) assist an unrepresented defendant;
 - (b) assist the court by—
 - (i) making a note of the substance of any oral evidence or representations, to help the court recall that information,
 - (ii) if the court rules inadmissible part of a written statement introduced in evidence, marking that statement in such a way as to make that clear,
 - (iii) ensuring that an adequate record is kept of the court's decisions and the reasons for them, and
 - (iv) making any announcement, other than of the verdict or sentence.
- (4) Where the defendant has served a notice of guilty plea to which rule 37.8 (written guilty plea: special rules) applies, a justices' legal adviser must read aloud to the court—
- (a) the material on which the prosecutor relies to set out the facts of the offence and to provide information relevant to sentence (or summarise any written statement included in that material, if the court so directs); and
 - (b) any written representations by the defendant.

[Note. Section 28 of the Courts Act 2003(1) provides for the functions of a justices' legal adviser. See also section 12 of the Magistrates' Courts Act 1980(2).]

(1) 2003 c. 39; section 28 was amended by section 15 of, and paragraphs 308 and 327 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4).

(2) 1980 c. 43; section 12 was amended by section 45 of, and paragraph 1 of Schedule 5 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 1 of the Magistrates' Courts (Procedure) Act 1998 (c. 15), section 109 of, and paragraph 203 of Schedule 8 to, the Courts Act 2003 (c. 39) and sections 308 and 332 of, and Part 12 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44).