

Trial and sentence in
a magistrates' court

Duty of court officer

37.15. The court officer must—

- (a) serve on each party notice of where and when an adjourned hearing will resume, unless—
 - (i) the party was present when that was arranged, or
 - (ii) the defendant has served a notice of guilty plea to which rule 37.8 applies, and the adjournment is for not more than 4 weeks;
- (b) if the reason for the adjournment was to postpone sentence, include that reason in any such notice to the defendant;
- (c) unless the court otherwise directs, make available to the parties any written report to which rule 37.10 applies;
- (d) where the court has ordered a defendant to provide information under section 25 of the Road Traffic Offenders Act 1988(1), serve on the defendant notice of that order unless the defendant was present when it was made;
- (e) serve on the prosecutor—
 - (i) any notice of guilty plea to which rule 37.8 applies, and
 - (ii) any declaration served under rule 37.11(3)(e) that the defendant did not know about the case;
- (f) record in the magistrates' court register the court's reasons for not proceeding in the defendant's absence where rule 37.11(3)(a) applies; and
- (g) give the court such other assistance as it requires.

[Note. See sections 10, 11 and 12 of the Magistrates' Courts Act 1980(2).

Under section 25 of the Road Traffic Offenders Act 1988, where the court does not know a defendant's sex or date of birth, then on convicting the defendant of an offence involving obligatory or discretionary disqualification, the court must order the defendant to provide that information.

Under Part 6, the magistrates' court officer must record in the court register details of a case and of the court's decisions.]”

(1) 1988 c. 53; section 25 was amended by section 90 of, and paragraphs 140 and 142 of Schedule 13 to, the Access to Justice Act 1999 (c. 22), section 165 of, and paragraph 118 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and section 109 of, and paragraph 311 of Schedule 8 to, the Courts Act 2003 (c. 39).

(2) 1980 c. 43; section 10 was amended by section 59 of, and paragraph 1 of Schedule 9 to, the Criminal Justice Act 1982 (c. 48), section 68 of, and paragraph 6 of Schedule 8 to, the Criminal Justice Act 1991 (c. 53) and section 47 of the Crime and Disorder Act 1998 (c. 37), section 12A was inserted by section 45 of, and paragraph 2 of Schedule 5 to, the Criminal Justice and Public Order Act 1994 (c. 33) and section 109 of, and paragraph 204 of Schedule 8 to, the Courts Act 2003 (c. 39).