

**ASSISTING THE COURT IN YOUR ROLE AS ADVOCATE – YOUTH COURT – ADULT
MAGISTRATES' COURT – CROWN COURT THURSDAY 12th SEPTEMBER 2024**

We all know who the best Advocates are – they do much more than merely make representations to the Court – they assist the Court in difficult areas to the benefit of their clients – they are able to do this because of their knowledge and experience – they are widely respected.

Nobody knows it all – have a look at the 25 things below and see whether or not you would be able to assist the Court (and your client) in the matter as Advocate.

This 1-hour zoom presentation will take you through **25 Things**

COULD YOU ASSIST!

THE PRESENTATION WILL BE BENEFICIAL TO BOTH SOLICITOR'S AND COUNSEL

THE NOTES WILL CONTAIN ALL RELEVANT LEGISLATION AND CASE-LAW

25 THINGS

1 – Assisting the Court in the legal circumstances in which the Youth Court may **COMMIT FOR SENTENCE** – the position is very difficult in the Adult Magistrates' Court

2 – Assisting the Crown Court Judge when dealing with '**Offenders of Particular Concern**'

3 – Assisting the Youth Court, the Adult Magistrates' Court and the Crown Court when dealing with a potential '**Dangerous Offender**'

4 – Assisting the Youth Court on the definition of a '**Persistent Offender**' and the ramifications in terms of types of sentence that may be imposed

5 – Assisting the Courts with penalty points and disqualifications – so easy to get it wrong! – the circumstances in which both penalty points and a disqualification may be **IMPOSED** and the circumstances in which the Court clearly has to **CHOOSE** between imposing penalty points and imposing a disqualification

6 – Assisting the Courts with time limits in relation to the **Commencement of Proceedings**

7 – Assisting both the Youth Court and the Adult Magistrates' Court regarding the **Sending For Trial** of Youths from the Youth Court and Adults from the Adult Magistrates' Court to the Crown Court under **Section 51** of the Crime and **Disorder Act 1998**

8 – Assisting the Judge in the circumstances under which a Crown Court Judge may become a **Magistrates' Court** under **Section 66** of the **Courts Act 2003**

9 – Assisting the Court with the **Sentencing Powers** of the Adult Magistrates' Court when dealing with a **Child** or **Young Person** – you would not believe how many experienced practitioners believe that the Adult Court has no sentencing powers when dealing with a Child or Young Person!

10 – Assisting the Court with the proper interpretation of **Section 25** of the **Criminal Justice and Public Order Act 1994** – those people for whom ‘there is no presumption in favour of unconditional bail’ being granted under **Section 4** of the **Bail Act 1976**

11 – Assisting the Crown Court Judge in the legal circumstances in which he/she **MUST** obtain a **Pre-sentence Report** prior to sentence and the circumstances in which it is within the discretion of the Judge

12 – Assisting the various Courts with the concept of the **Defendant’s Costs Order (DCO’s)** and the circumstances in which ordinarily such an Order should be made

13 – Assisting the various Courts in relation to whether or not **Time spent subject to a Qualifying Curfew or time spent Remanded in Custody** will be deducted by the relevant custodian institution – a custodial sentence having just been imposed – a trickier area than you would think!

14 – Assisting the Youth Court and the Adult Magistrates’ Court when the application by the CPS is for not only a remand into custody but, furthermore, that the remand be to **Police Cells**

15 – Assisting the Courts generally as to **Credit** – again, a trickier area than you would think – **The 20% rule** – do you know if it is applicable to youths?

16 – Assisting the Courts generally on the issue of whether or not a **Wasted Costs Order** should be made against one of the parties to the proceedings or against the defendant

17 – Assisting the Adult Magistrates’ Court and the Crown Court Judge In the area of **Suspension of a Custodial Sentence** – as you know, there can be no suspension of a custodial sentence imposed in the Youth Court

18 – Assisting the Adult Magistrates’ Court in the area of **A financial penalty or one day’s detention in default** or **A day’s detention on the actual offence**

19 – Assisting the Courts with **Statutory Declarations** and **Re-openings** and **Reconsideration of Sentences**

20 – Assisting the Courts generally on their powers of **Remittals for Sentence**

21 – Assisting the Courts with the **Various types of custodial sentences** that may be imposed, dependent upon the age of the offender

22 – Assisting the Courts on the question of whether or not **The custodial sentences should be concurrent or consecutive**

23 – Assisting the Crown Court Judge in relation to **The percentage of sentence that must be served before release is permissible** – the Judge has no legal duty to take such matters into account (such matters being the preserve of the Executive) but it may assist in determining quantum – a matter entirely for the Judge

24 – Assisting the Crown Court Judge in **The Sentencing of Children and Young People**

25 – Assisting the Magistrates' in the Adult Magistrates' Court on the issue of whether or not they should **Sever the Child or Young Person from the Adult when sending the Adult to the Crown Court**

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