

Glossary

GLOSSARY OF KEY TERMS IN THE MAGISTRATES' COURT

Acquittal	The court's decision that a person is not guilty of the crime they were charged with.
Aggravating factors	Things that make an offence more serious and are likely to increase the sentence.
Bail	When a defendant is waiting for a court hearing or a trial, they might be given bail. This means they can live in the community until the hearing or the trial.
Community sentence	This is a punishment that may include programmes designed to help people to stop offending. An example might be unpaid work and help with addiction problems.
Compensation	An amount of money ordered by the court to be paid by someone who has committed a criminal offence that has caused personal injury, loss or damage to the victim.
Crown Prosecution Service (CPS)	The body responsible for public prosecutions of people charged with criminal offences in England and Wales
Culpability	The word used to describe the level of responsibility or blame for committing a crime. For example a person who plans a crime will normally be considered to be more culpable than someone who commits it on the spur of the moment.
Defendant	The person being prosecuted in court.
Discharge	For the least serious offences like very minor thefts, a court may give: • A an absolute discharge which means it decides not to impose a punishment because the experience of going to court has been punishment enough, but the person still gets a criminal record; or • A conditional discharge which means that if the person commits another crime within a set period, they can be sentenced for both offences.
District judges	District judges hear the more complex or longer criminal, youth and some civil cases in the magistrates' courts. They normally do this on their own rather than as magistrates do as a bench of three.
Fine	A financial punishment given for lower level crimes. The amount is set by the court after considering the seriousness of the offence and how much money the offender can pay.
Magistrates	Also known as Justices of the Peace (JPs). Magistrates are volunteers, aged between 18 and 70, who need no legal qualifications. They are given training and sit in magistrates' courts as a bench of two or three, assisted by a legal adviser.

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Magistrates' courts	Nearly all criminal cases will start in magistrates' courts. There are around 150 magistrates' courts in England and Wales and they deal with over one million cases every year. If a case is more serious it is passed to the Crown Court.
Mitigating factors	Things that make an offence less serious and are likely to decrease the sentence.
Pre-sentence report	A report, generally prepared by the probation service, to assist the court in determining the most suitable way of dealing with a defendant. It should include an assessment of the nature and seriousness of the offence and the impact on the victim. A court will usually obtain a pre-sentence report before imposing a community or custodial sentence.
Remand	If the court decides to put someone on remand it means they will go to prison until their next hearing. A defendant may be put on remand if the court thinks they might not turn up to their court hearing, or that they might commit a crime while on bail. A defendant may also be remanded if they have a previous conviction, or if they have been given bail before and not stuck to the terms.
Sentence	The punishment that a court imposes on a person who is convicted of a criminal offence.
Surcharge	Sometimes called the victim surcharge. A charge that must be paid by an offender after they have pleaded guilty or been convicted. The amount depends on the circumstances of the offender and the sentence passed. This charge is separate from any fine and is used to fund victims' services.
Suspended sentence	When a court passes a prison sentence of between 14 days and two years it may choose to suspend the sentence for up to two years. The offender must stay out of trouble and comply with requirements set by the court.
Victim personal statement	A statement written by a victim explaining the effect the crime has had on them, any concerns they have and indicating any support that they need. Making a victim personal statement is optional. The statement is submitted at the same time as their witness statement and may be read by the victim or the prosecution lawyer or submitted as written evidence.
Youth courts	Part of the magistrates' courts that deals with almost all cases of offenders aged under 18. Youth court hearings are generally private and members of the public are not allowed in.