Witness Service

Magistrates

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Magistrates’ court

What happens in a magistrates’ court?

All criminal cases start in a magistrates’ court, and most cases finish there too.

Cases are heard by two or three magistrates or a district judge. Magistrates are sometimes called Justices of the Peace.

Magistrates are trained, unpaid volunteers. As they do not have qualifications in law, they work with Justice Legal Advisers who provide advice on law and legal practice and procedures.

At the trial, magistrates will ask the defendant to enter a plea by saying whether they are guilty or not guilty. If the defendant pleads guilty, the magistrate can give them a fine or a prison sentence up to 12 months. If the sentence could be longer than 12 months, it would be passed to Crown Court for sentencing. If the defendant is found not guilty, they will be acquitted. This means there will be no further action by the court.

What powers do magistrates have?

Magistrates can give sentences that include:

- up to 6 months in prison (or 12 months if there is more than one offence)
- an unlimited fine
- a community sentence
- a ban, such as a driving ban.

In some instances, magistrates can make the decision to either keep a defendant in custody until a future court hearing or to release them on bail. This can happen when:

- there needs to be another court hearing
- the court does not have enough information to pass a sentence and needs more time or information
- the case is moving to the Crown Court for trial or sentencing.

Find a magistrates’ court

You can find contact details and more information on courts and tribunals in England and Wales at the GOV.UK website.

What cases are dealt with by a magistrates' court?

Magistrates' courts deal with three types of criminal cases:

Summary offences:

- Less serious crimes such as common assault without injury, criminal damage and motoring offences.

Either way offences:

- Cases that can be heard in either a magistrates' or a Crown Court. These include more serious crimes such as burglary.
- Defendants can ask for their case to be heard in a Crown Court so that they are tried by a jury.
- If magistrates decide that a case is too serious for them to charge, they can pass the case to a Crown Court hearing.

Indictable only offences:

- The most serious cases like murder, manslaughter and rape. Magistrates will always pass these cases to a Crown Court for the case to be heard.

Although the law classifies some offences as 'minor' or 'less serious', this refers only to how the case is handled in court. It does not minimise the harm or distress these crimes may cause to victims and witnesses.

Inside a magistrates' court

This interactive courtroom provides more detailed information about who is who and what to expect in a magistrates' court. Click the button below to explore the courtroom.

Explore Courtroom