

So, for this bit of research, I'm not looking at a news article, but it's something that was mentioned in a YouTube clip. It was regarding a civil case, and I won't be linking it here, but there was something in the video that caught my attention, and I want to find out if what they said is true or not.

So, what is it? Well, basically it was this:

When you're going to court, they bring out the case management files and there is a declaration box which you must sign before. Only two people can sign this: the defendant (yourself) or your solicitor. Without a signature, you can't be charged or sent to prison.

So, that's what I want to look at, and see if it's true or not. And if it is, and someone has represented themselves but not signed this and was sent to prison...

Anyway, let's see what we can find ☺

So, firstly, what is Case Management? Well, as you can probably guess there are numerous places that explain but I'm after an actual 'law' website, as opposed to a random website.

So, in Wikipedia, it states

"The terms legal case management (LCM) or matter management refer to a subset of law practice management and cover a range of approaches and technologies used by law firms and courts to leverage knowledge and methodologies for managing the life cycle of a case or matter more effectively. [1] Generally, the terms refer to the sophisticated information management and workflow practices that are tailored to meet the legal field's specific needs and requirements."

https://en.wikipedia.org/wiki/Legal_case_management

So, it looks like that it's actually the approach taken by law firms. But I want to find the actual legal forms, so I managed to find some on the UK Justice website:

<http://www.justice.gov.uk/courts/procedure-rules/criminal/forms>

Now, there are a few forms in here, but I'll just look at the main ones that are related to this research.

Part 3 of the webpage is the Case Management. The first is the Preparation for Trial in a Magistrates' Court form:

<http://www.justice.gov.uk/courts/procedure-rules/criminal/docs/october-2015/cm001england-eng.pdf>

And a snapshot is here:

Preparation for effective trial

Criminal Procedure Rules Parts 1 & 3

- This form:
 - collects information about the case that the court will need to arrange for an effective trial: CrimPR rules 3.2 and 3.3
 - records the court's directions: CrimPR rule 3.5.

- After the court gives directions for trial, if:
 - information about the case changes, or
 - you think another direction is needed

you must tell the court at once: CrimPR 1.2(1) & 3.10.

- If the defendant pleads not guilty, and the court requires:
 - the prosecutor must complete Parts 1, 2 and 4
 - the defendant must complete Parts 1, 3 and 4
 - the court will record directions in Parts 4 and 5.

See the separate notes for guidance on the use of this form.

There is extra space on page 4, or attach extra sheets if required. The electronic version of this form will expand.*

A list of standard trial preparation time limits is at page 7.

1 Prosecution contact details

Prosecuting authority		Phone Fax
	Email	

2 Defendant's contact details

Defendant	Address	Phone Mobile
	Email	

3 Defendant's representative (if applicable)

Solicitor		Phone Fax Ref
	Address	
	Email	

- Representation is:
- | | | |
|--|-----------------------|--------------------------|
| Defendant's representative to complete | legal aid granted | <input type="checkbox"/> |
| | legal aid applied for | <input type="checkbox"/> |
| | privately funded | <input type="checkbox"/> |

4 Case management information

- 4.1 Are there any pending enquiries or lines of investigation? Yes No
If yes, give brief details:
- 4.2 Does the prosecutor intend to serve more evidence? Yes No
If yes, give brief details:
- 4.3 Does the prosecutor intend to serve a diagram, sketch map or photos? Yes No
If yes, give brief details:
- 4.4 The prosecution will rely on:
- | | | |
|-------------------------------------|---|--------------------------|
| <i>Tick / delete as appropriate</i> | defendant's admissions in interview | <input type="checkbox"/> |
| | defendant's failure to mention facts in interview | <input type="checkbox"/> |
| | [a summary] [a record] of the defendant's interview | <input type="checkbox"/> |
| | [expert] [hearsay] [bad character] evidence | <input type="checkbox"/> |
| | [CCTV] [electronically recorded] evidence | <input type="checkbox"/> |
- 4.5 What equipment (live link, DVD or other media player, etc.) will the prosecutor need in the trial courtroom?
The prosecutor must make sure that any DVD or other electronic media can be played in the courtroom.
- 4.6 Does the prosecutor presently expect the case to involve a complex, novel or unusual point of law and / or fact? Yes No
This information will help the court officer to list the case effectively.
If so what?
- 4.7 Has the initial duty of disclosure of unused prosecution material been complied with? Yes No
If yes, when?

14 Arrangements for trial

Date:	
Time:	
Court:	Court category:
Estimated trial length: including: hours Evidence and submissions: Deliberations and decision: <i>A detailed trial timetable must be considered and attached if necessary: CrimPR rules 3.9 & 3.11</i>

After the court gives directions for trial, if information about the case changes, or you think another direction is needed, **you must tell the court at once:** CrimPR rules 1.2(1) & 3.10.

Signatures [on the direction of] [court]
Signed: for prosecution
Signed: [defendant] [defendant's solicitor]
Date:

Which actually looks like the solicitor, and I'm only looking at if the defendant pleads Not Guilty. So, it appears that this is filled in by the solicitor. But what happens if you defend yourself? Well, let's see what the rest of the forms show for now.

In the same list for the Magistrates Courts forms, there is also a guidance booklet:

<http://www.justice.gov.uk/courts/procedure-rules/criminal/docs/october-2015/cm001-notes-eng.pdf>

Some parts I've shown here:

3. As a general rule, the form is to be used in any case to be tried in a magistrates' court in which a not guilty plea is entered. In the interests of consistent practice and effective case management, the court should insist on observance of this general rule. The court should only depart from this rule in cases where the issue or issues in dispute are so limited and the case so lacking in complexity that it is clear that no advantage will be gained from use of the form other than as an *aide memoire* for proper management of the trial preparation process. **The form is a prescribed form and no other form may be used.** As a general rule the form should be used in accordance with these notes for guidance.

7. Before the first hearing (even if only very shortly before) or, if the court allows, during the first hearing, the defendant must complete Parts 1, 3 and 4 of the form, unless the court otherwise directs. The court may require a defendant who intends to plead not guilty to complete those parts of the form before calling the case on for the first hearing. At that hearing, at which the not guilty plea is taken, the court then will have before it relevant information on the basis of which to give directions for an effective trial. An unrepresented defendant may need to be excused completion of the form before the hearing. He or she may need to be taken through it by the court instead, and the relevant information gathered in that way.

24. The purpose of providing for signatures at the end of the form by the parties and the court, or at the court's direction, is to authenticate the record for those to whom it will be sent, and notably those responsible for the conduct of the trial and the care of witnesses. By signing the signatory confirms that the decisions and directions recorded in the form have been approved or noted by the party concerned.

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So, the final screenshot explains about the signatures. But what it doesn't say is, what happens if you don't sign it. You can complete the form in court at the time of the trial, if you're defending yourself, as the solicitor won't be there to have signed it.

So, remember, the parts I'm looking at, is do you both have to sign it (if you have a solicitor) or is the solicitor's binding over yours? If you're defending yourself, what happens if you don't sign it?

Now, the rules themselves take some reading, and I'm not a lawyer, so I'm trying to look at them in a sort of laymen's terms. So, for instance, this is a list of the rules:

<http://www.justice.gov.uk/courts/procedure-rules/criminal/rulesmenu-2015>

And looking into a few, I'm highlighting areas with regarding documents, or what I think may be deemed a document.

<http://www.justice.gov.uk/courts/procedure-rules/criminal/docs/2015/crim-proc-rules-2015-part-03.pdf>

The Criminal Procedure Rules

**as amended April 2016, October 2016, October 2017, November 2017, April 2018
& October 2018**

- (a) *section 19 of the Prosecution of Offences Act 1985(a), where the court decides that one party to criminal proceedings has incurred costs as a result of an unnecessary or improper act or omission by, or on behalf of, another party;*
- (b) *section 19A of that Act(b), where the court decides that a party has incurred costs as a result of an improper, unreasonable or negligent act or omission on the part of a legal representative;*
- (c) *section 19B of that Act(c), where the court decides that there has been serious misconduct by a person who is not a party.*

Under some other legislation, including Parts 19, 20 and 21 of these Rules, if a party fails to comply with a rule or a direction then in some circumstances—

- (a) *the court may refuse to allow that party to introduce evidence;*
- (b) *evidence that that party wants to introduce may not be admissible;*
- (c) *the court may draw adverse inferences from the late introduction of an issue or evidence.*

See also—

- (a) *section 81(1) of the Police and Criminal Evidence Act 1984(d) and section 20(3) of the Criminal Procedure and Investigations Act 1996(e) (advance disclosure of expert evidence);*
- (b) *section 11(5) of the Criminal Procedure and Investigations Act 1996(f) (faults in disclosure by accused);*
- (c) *section 132(5) of the Criminal Justice Act 2003(g) (failure to give notice of hearsay evidence).]*

So, if a party fails to comply with the rules, parts 19-21, then the evidence may be admissible, or allow as evidence. Not sure if that relates to a document or not. Ah, it appears that it relates to evidence, not the actual case files.

Other provisions affecting case management

Case management may be affected by the following other rules and legislation:

Criminal Procedure Rules

Part 8 Initial details of the prosecution case

Part 9 Allocation and sending for trial

Part 10 The indictment

Part 15 Disclosure

Parts 16 – 23: the rules that deal with evidence

Part 24 Trial and sentence in a magistrates' court

Ah, finally something about the actual forms. By the end of this, I'll be so up on court proceedings, I may apply for a job ha-ha.

Anyhoo, here it is:

<http://www.justice.gov.uk/courts/procedure-rules/criminal/docs/2015/crim-proc-rules-2015-part-05.pdf>

The Criminal Procedure Rules

**October 2015
as amended April 2018 & October 2018**

Signature of forms

5.3.—(1) This rule applies where a form provides for its signature.

(2) Unless other legislation otherwise requires, or the court otherwise directs, signature may be by any written or electronic authentication of the form by, or with the authority of, the signatory.

[Note. Section 7 of the Electronic Communications Act 2000(a) provides for the use of an electronic signature in an electronic communication.]

Er, well, in fact it isn't. Majority of that section is about wanting information on a case etc. ☹

<http://www.justice.gov.uk/courts/procedure-rules/criminal/docs/2015/crim-proc-rules-2015-part-16.pdf>

Content of written witness statement

16.2. The statement must contain—

- (a) at the beginning—
 - (i) the witness' name, and
 - (ii) the witness' age, if under 18;
- (b) a declaration by the witness that—
 - (i) it is true to the best of the witness' knowledge and belief, and
 - (ii) the witness knows that if it is introduced in evidence, then it would be an offence wilfully to have stated in it anything that the witness knew to be false or did not believe to be true;
- (c) if the witness cannot read the statement, a signed declaration by someone else that that person read it to the witness; and
- (d) the witness' signature.

[Note. The Practice Direction sets out a form of written statement for use in connection with this rule.]

Unfortunately, I've been all through the rules of court proceedings, and can't see anything that states that the case management files are needed to sentence. But, from what I can gather, in the screenshots I've posted from the rules I've linked, is that you have to sign the documents either before the court case, or if defending yourself and enter a plea of not guilty, at the time of the hearing, with the aid of the prosecutor and judge. And it says you have to sign.

Contempt of court is here:

<http://www.justice.gov.uk/courts/procedure-rules/criminal/docs/2015/crim-proc-rules-2015-part-48.pdf>

But the basics are:

Obstructive, disruptive, insulting, intimidating, affecting court proceedings, refusing to give evidence, recording.

So, is not signing the document contempt of court, as you're affecting the court proceedings?

Ah, now this is very interesting. Found this when trying to figure out contempt of court for not signing:

https://www.justice.gov.uk/courts/procedure-rules/family/parts/part_17

Power of the court to require a document to be verified

17.5

(1) The court may order a person who has failed to verify a document in accordance with rule 17.2 to verify the document.

(2) Any party may apply for an order under paragraph (1).

So, the court can order you to sign it, and I'm assuming if you don't comply, you'll be in contempt of court. Curious if anyone has stood their ground on this one.

So, from what I can gather, yes there are documents that need to be signed for the court, and these are called the case management files. They can be signed by either you or your solicitor. If you have a solicitor representing you, then if you refuse to sign it, or are unsure, they will automatically sign it. But if you represent yourself, and don't sign it at the time, in court they will ask you to complete and sign it. But if you don't, the judge can order you to sign it, and if you still don't, you'll probably be in contempt of court as you're disrupting the court proceedings.

In the case of the clip I saw, maybe due to the few times the contempt of court times, and the fact it was a motoring offense (no insurance), the court decided not to go ahead with the case, due to time etc. Who knows? But in the grand scheme of things, you'll probably be best signing, and if you're really guilty, don't utter a single word in your 'interview', so that they can't use anything, not even a No Comment, against you *wink*