



Guidance Note # 3/2023

Expedited listing of short drugs trials

(with effect from 26 June 2023)

Purpose

In order to maximise the efficiency of the court and to ensure that straightforward drugs trials are dealt with expeditiously, a new listing strategy will be introduced for these cases sent to the Crown Court after 26 June 2023. This will 'fast-track' these cases, ensuring that they are listed for trial relatively soon after the plea and trial preparation hearing (PTPH). It is hoped that the availability of the Intensive Supervision Court will complement this strategy.

This new approach will be supported by the police and the Crown Prosecution Service – using the operation name 'Expedite' – who will comply with their obligations of prompt service of material in accordance with the principles of Better Case Management.

Guidance

A Eligibility

1. Trials fitting the following criteria will normally be expedited. Where:
 - a) The Defendant is on bail; and
 - b) The Defendant is charged with one or more offence contrary to the Misuse of Drugs Act 1971 and/or the Psychoactive Substances Act 2016; and

- c) The realistic time estimate for the trial (including any legal argument) is not more than 3 days; and
 - d) The Defendant is not raising a potential modern slavery defence (given the time required to complete the NRM process)
2. The judge at the PTPH will retain a discretion whether the trial should be expedited and it is expected that the parties will assist the court by highlighting any features of the case that might mean it is not straightforward, and so not suitable for early listing.

B Listing

3. In advance of the PTPH, the Prosecution will certify that a case meets the above criteria and that there is no other reason why any trial should not be expedited. The Prosecution's view that the case is "*suitable for an expedited trial listing*" will be communicated by a widely shared comment on the DCS.
4. In accordance with BCM principles it is expected that there will have been engagement between the parties, and that the Defendant has received informed legal advice on plea prior to the PTPH.
5. In the event of a 'not guilty' plea, the court at the PTPH will consider submissions from the parties about the suitability of the case for an expedited trial. Unless there is some good and sufficient reason, the case will ordinarily be given an early trial listing.
6. Where the criteria are met, **the case will be given a trial date within 14 weeks of the PTPH** and the stage dates will be adjusted to accommodate this shortened timetable. Stage 1 will ordinarily have been completed by the PTPH. The court will

likely set the Stage 2 date four weeks after the PTPH and set dates for Stages 3 and 4 a short time after that.

7. As with any case, the parties should complete the relevant portions of the PTPH form before the day of the PTPH. Specifically, practitioners are reminded of their obligations under CrimPR 3 in relation to streamlined forensic reports (SFR1). The judge at the PTPH will want to know what the real issues are, and whether the defence are able to make an admission that the exhibit(s) listed in the SFR1 were forensically examined and the examination produced the result(s) described.
8. As indicated above, this new strategy will apply to eligible cases sent to Liverpool Crown Court after 26 June 2023.

HHJ Andrew Menary KC

Resident Judge and Honorary Recorder of Liverpool

26 June 2023