

THE VARIOUS ROLES AND DUTIES CARRIED OUT BY CENTENIERS WHEN PRESENTING CASES IN THE MAGISTRATES COURT

Charging an offender

Defendants come to the Magistrates Court in one of three ways. Firstly they may attend a parish hall enquiry, and the Centenier may deem the case to be serious for him/her to deal with, and he will then charge the attendee and warn them for court. Secondly he/she will be called to police headquarters and asked to consider charging a person detained if he is satisfied the criteria is met for prosecution, a charge will then be put, and a date for court given. Thirdly a person who has failed to appear at a parish hall enquiry when warned to, usually on more than one occasion will then be summonsed to attend the Magistrates court on a given date.

Presenting the offender in court

The Centenier will warn the offender to one of his allocated court dates, and will notify the listing clerk of the names and charges to be presented. The Centenier who is presenting in court on any given day will arrive about thirty minutes prior to court starting, and if it is his allocated day will arrange the order the cases are to be called in, and talk to the Advocates regarding their clients. There is a general rule in the court that persons in custody making bail applications should go first followed by Advocates with their clients then defendants requiring interpreters, and finally what would be called a WALK IN this is a person warned to attend court who is not legally represented.

The Centenier will call the defendant and read the charge sheet which may have several charges on it of the same nature or completely different. The Magistrate will ask the defendant how they wish to plead to the charge, if they plead guilty the Centenier will be asked by the Magistrate to give the facts giving rise to the charge, this may mean reading a report or referring to statements. If a not guilty plea is entered or a reserved plea then the case will be adjourned for either a date to be set for a pre trial review or for the defendant to get legal aid. The Centenier will assist the Magistrate in adjourning a case to his parish court day.

Once the Centenier has given the facts in a case, and the Advocate if the defendant is represented has made his submissions the Magistrate may decide to remand the case for a social enquiry report to be prepared on the

defendants background and circumstances to assist him when sentencing. The case will be remanded normally four weeks for a person not in custody, and two weeks if they are in custody. The Centenier may well be required to give the facts again if a different Magistrate is sitting on the day of sentencing.

Breaches and representations

If a defendant is placed on a Binding Over Order, Probation Order Or Community Service Order by the Magistrates Court, and is charged with an offence while one of the orders is still running, then upon conviction he will be in breach of the order imposed by the court by re offending. The Centenier will be required to put a representation before the court to state the offences and the nature of the order, this can only be done once a guilty plea has been entered by the defendant. The Centenier will then have to give the facts relating to the offences for which the order was imposed originally. These facts will often have been given by a different Centenier when the order was given originally.

If a defendant does not comply with a Probation or Community Service Order the Probation Department will request the Centenier to bring breach proceedings against the person concerned. It shall be the Centeniers responsibility to warn the person being breached to attend court.

If a defendant does not comply with their bail conditions then the Centenier shall bring this to the attention of the Magistrate who will decide what action to take. The Centenier will be responsible for presenting the accused to the court if there arrest has been ordered by the Magistrate, and giving the facts on the breach of bail conditions, he will also make recommendations to the Magistrate on what he thinks should be done.

Viscounts Arrests

Persons who fail to appear in court after they have been formally warned will usually have their arrest ordered by the Magistrate, sometimes this will be with a bail option and occasionally there will be no bail option given, this will depend on the nature of the offence. After the arrest has been ordered the responsibility for bailing the offender if arrested belongs with the Viscounts Department. A person may be arrested by the police and then bailed by the Viscount to attend court on a given date or sometimes a person will surrender themselves to the Viscount. When the bailed person appears

in court it will be the Centeniers responsibility to present the case and obtain the original police report.

If a person is brought to court where there is no bail option then the duty Centenier will present the case to the Magistrate.

Jurisdiction and committals to the Royal Court

When a defendant appears in court on a serious charge that may well appear to be beyond the sentencing powers of the Magistrate, the Centenier will make a representation to the Magistrate as to whether the case should be sent for trial in the Royal Court. The Centenier when doing this shall give an outline of the facts of the case and any other important information he thinks should be given to the court. The prosecution case will be taken at its highest by the Magistrate, and defence counsel will respond if required.

When the decision has been made by the Magistrate to commit the case to the Royal Court the method of doing this will have to be decided. If the defendant is represented by an Advocate, and he agrees, then the case can be adjourned four weeks for a paper committal. The police will prepare a committal bundle which will include all the statements and other evidence for the case, this will be checked by the legal advisors, and the bundle will be given to the Court Greffe for presentation on the day of committal. The charging Centenier is obliged by law to do a report which will be an overall summary of the case. In the parish of St Helier this is done by the administrator, in the other parishes the Centenier will do this. The report will be handed to the Magistrate on the day of committal.

If an Advocate decides he/she does not want a paper committal then what is termed an old style committal will take place, this is where the prosecution case will be put to the court and the Magistrate will decide if there is a prima facie case for the defendant to be committed on. This type of committal is always conducted now days by the legal advisors department.

Pre Trial Reviews

When a defendant has entered a not guilty plea the case will be adjourned for two weeks for a pre trial review. The Centenier will fill out the review form, where he will state how many witnesses are to be called for the prosecution, and how many will not be called and their statements read in court. He/ she will give indications as to whether closed circuit camera evidence shall be put to the court, and any exhibits that are relevant to the

proceedings. An agreed trial date will be given to the court, and a pre trial review will also be completed by defence counsel.

Trials and Newton hearings

The Centenier is responsible for warning all the prosecution witnesses to court, and sometimes the defence witnesses as well. On the day of the trial he will decide in which order the witnesses for the prosecution are to be called, and at what stage any cctv footage should be shown. He will have in his possession all the original statements, and will submit them to the court as an exhibit if requested to do so by the Magistrate. The Centenier does not cross examine the witnesses, either the prosecution or the defence, this is done by the Magistrate unless the case is being conducted by the legal advisor when they will perform this role. The Advocate for the defendant will cross examine prosecution witnesses. The Magistrate will decide if the defendant is guilty.

If a defendant enters a guilty plea, but there is a dispute between the prosecution and defence as to the facts in the case, then the Magistrate may order a Newton Hearing where witnesses are called to give evidence as to what happened. The Centenier will be responsible for the calling of the witnesses to the hearing.

Finally before sentencing in all cases in the Magistrates court the Centenier is responsible for providing the police record of the defendant to the court.

Centeniers are also responsible for handing over bail money to the Viscount when the defendant first appears in court.

Centeniers will also be asked to charge offenders on behalf of the Agriculture and Fisheries Department, Social Security, Regulations of Undertakings and Housing Department on occasions.

The above is an overview of the Centeniers role within the court system.

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Centenier for the parish of St Helier.