

BOOK REVIEW

**MAGISTRATES' COURTS CRIMINAL PRACTICE
2006**

David Brewer (Jordan Publishing 2006), Pp 2422 (Hardback and Cd rom), ISBN 1 84661 011 7, Price £140.00

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For many years, criminal practitioners have relied on Archbold *Criminal Pleading Evidence & Practice* (Sweet and Maxwell, pp 3070, price £310 hardback and cd rom) as 'the' trusted aide and mentor to criminal practice in all courts. More recently, Blackstone's *Criminal Practice* (Blackstone Press, now Oxford University Press, pp 2061, price £185 hardback and cd rom) has emerged as 'the' competitor. However, those who practise largely in the magistrate's courts find Anthony and Berryman's *Magistrates' Court Guide* (LexisNexis Butterworths) essential reading. Anthony and Berryman's has its obvious limitations of size (750 pages) and therefore detail, it has its benefits too at just under £50.00. Practitioners in the magistrate's court find themselves using either Blackstone's or Archbold together with Anthony and Berryman's.

Magistrates' Courts Criminal Practice 2006 combines the best of both these detailed and succinct worlds. It is divided into seven parts. Part I covers Procedural Matters pp 3-472, Part II Elements of Offences pp 475-567, Part III Statutes pp 571- 1523, Part IV Statutory Instruments pp 1527-1994, Part V Practice Directions pp 1997-2965, Part VI Codes of Practice and Guidelines pp 2069-2319, and Part VII Forms pp 2323-2373. Published in March 2006 it has the advantage of being able to incorporate new case law under the provisions of the Criminal Justice Act 2003, and the new sentencing regime and the Criminal Procedural Rules 2005. It provides clear, lucid, succinct, and above all practical guidance. It is written by a legal team consisting of Barristers, Solicitors, Clerks to the Justices, District Judges and Law Professors, precisely those whose professional experience draws on criminal practice in the magistrate's courts.

There's no better way to assess the accessibility and relevance of a practise guide than actually putting it to use, under pressure in case preparation and in the courtroom. Every practitioner practising in the

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magistrates court wants an accessible tool that can provide a quick and straightforward reference point to the procedure and to the law, especially when advanced information has been received only on the morning of the hearing and the client is waiting outside in the well of the court and the case is listed for 10.00 am. Practitioners need a reference book that will take them straight to the procedure, the crime, the issues, what needs to be proved and the available defences. Here, Part II Elements of Offences provides an essential compendium to 82 of the major offences likely to be encountered in the magistrates court, which will enable practitioners to identify quickly the elements to be proved - can it be proved?- the elements in dispute and what are the defences?

Magistrates' Courts Criminal Practice 2006 is a model of clarity and its novel form of page layout assists in developing that conceptual clarity required of a good advocate. The beauty of this book is its mind map approach to page layout, where each page is divided into three. The left hand side of the page puts the question, the middle articulates the principle, and the right hand side of the page states the relevant authority. So for example "Making off without payment – Theft Act 1978, s 3" (p 529) the left hand side of the page lists the elements of the offence "knowing that payment on the spot for any goods supplied or service provided is required or expected from him," the middle section develops and expands on the meaning of the terms, whilst the right hand side cites the relevant authority.

What is also not only helpful but vital to practitioners is how to do it, whether laying the information, a first appearance, making a bail application, indicating a plea and mode of trial, to sentencing and mitigating. Here Part 1 is a godsend in providing a detailed narrative of procedure. Every question one might ask or procedural matter encountered in the magistrates court is covered in this section, from Legal advice and representation, to under what circumstances should a magistrate's disqualify him or herself? Other questions routinely encountered include:- whether there is a need to consider severing an indictment, making an application for an adjournment (p 56), or an application for wasted costs (p 57) and the rules governing such applications and the issues the practitioner needs to consider in making such applications. The particular pages detailing the procedure to be followed in a Summary trial for a not guilty/guilty plea (p 105) including the order of speeches are an absolute model of clarity and a delight to read.

This is an essential text not only for practitioners in the early stage of their career but also for the "old, well seasoned" practitioner since procedural rules are undergoing change (Criminal Procedure Rules 2005). One criticism however is that future editions would benefit from page cross-referencing. With *Magistrates' Courts Criminal Practice 2006* you will be certainly forewarned and forearmed and not out of pocket.