



You have been summonsed to attend court

Read on to find out what to expect and what is expected from you

The RSPCA has decided to bring criminal proceedings against you, so you have been served with a summons to attend a magistrates' court.

What happens next?

Your summons document will include the details, time, date, place and address of the court hearing, along with the offence you are alleged to have committed. Please keep it safe.

You should look for a solicitor as soon as possible to give you legal advice. Please give him or her a copy of the summons. Your solicitor can contact the RSPCA prosecutions department for the details of the solicitor acting for the RSPCA in your case.

Finding a solicitor

A solicitor will be able to help you defend your case. Choosing your solicitor as early as possible means that he or she will have more time to work with you. The solicitor can:

- advise you on whether you can get legal aid (which helps with the cost of your legal advice)
- help you understand what is happening and what you have been summonsed for
- advise you on the court process
- make sense of any legal terms
- help you decide whether to plead 'guilty' or 'not guilty'
- speak on your behalf and represent you in court
- explain how any decisions made by the court will affect you
- look after your interests.

You can get a list of local criminal defence solicitors from:

- the Citizens Advice Bureau (CAB) – find your local branch in the telephone directory or look online at: www.citizensadvice.org.uk and click on 'Find your local CAB'
- the Community Legal Service (CLS) Directory – call 0845 608 1122 or go to: www.clsdirect.org.uk and put in your postcode under 'Find an adviser'
- the Yellow Pages – look in the printed directory or go to: www.yell.com and search for a criminal defence solicitor.

Instead of finding your own solicitor, you can see the court's independent duty solicitor on the day of your court hearing. Duty solicitors are free. They can offer advice and represent you in court that day – just tell the court staff as soon as you arrive that you want to see him/her. Please remember that the duty solicitor will not have had the chance to prepare your case beforehand.

Do I need to attend court?

You must attend court at the time and place given in your summons. If you can't make it, you need to tell your solicitor (or the court if you don't have a solicitor) as soon as possible. You might be asked to provide evidence of the reason why you can't make it, for example a doctor's note if you are ill, so please have this ready.

If you don't turn up you will be wasting the time of the court, the witnesses and the solicitors. The court takes this seriously, so if you don't attend without good reason, or if you go to court but leave before your case is heard, there may be consequences:

- a warrant may be issued for your immediate arrest – if this is a 'not backed for bail' type of warrant, you will be kept in custody until it is time for your court hearing
- your case may be heard without you being in court – this means you won't have the chance to put your point across
- if you plead guilty up front you automatically qualify for a reduction in your sentence; however, if you don't turn up, you may not qualify for this.

Please remember that the court process can be long and confusing. It is in your interests to seek legal advice as soon as possible – and then turn up to the right court at the time given on your summons.

What happens when I arrive at court?

You should arrange to meet your solicitor at court on the day, allowing enough time for him or her to give you some final advice on your case. If you don't have a solicitor, arrive before your court hearing so that you have enough time to see the duty solicitor.

The court usher will be able to tell you where – and when – your case will be heard and will advise you where to sit in court. You should not approach the prosecution witnesses as this could be seen as intimidation, which is an offence.

What happens during my hearing?

You have been summonsed to the magistrates' court, so your case will probably be heard by three lay magistrates (also called justices of the peace). Alternatively, a district judge (who used to be called a stipendiary magistrate) may hear cases alone. A court clerk (also called a legal adviser) will also be there – his or her role is to assist the magistrates on matters of the law.

If you plead 'guilty' at a plea hearing, your case may be heard there and then and a sentence delivered.

If you plead 'not guilty', the matter will go no further that day and a new hearing date will be set. Your case is likely to go to trial. At the trial, the magistrates or a judge will hear the defence's and prosecution's cases, decide if you are innocent or guilty, and pass sentence if you are convicted.

What about my animal(s)?

At the time of your interview the RSPCA inspector will have asked you if you would sign over ownership of your animal(s) to the RSPCA so that we can try to rehome them. If you chose not to do that at the time, please remember that you can change your mind and sign over your animal(s) at any point. To do this, please call the inspector dealing with your case on: 0300 1234 999.

Until you sign over the relevant animal(s) they remain your property. If you plead guilty or are convicted, the RSPCA will ask the court to remove your animal(s) under the Animal Welfare Act 2006. The court may deprive you of ownership of the animal(s).

If you don't sign over ownership of your animal(s) to the RSPCA, we are likely to incur costs when boarding your animal(s). We may ask the court to make an order to recoup all or some of the boarding costs from you. As soon as you voluntarily sign over ownership of your animal(s) to the RSPCA, there will be no further boarding costs.

What can happen to me if I am convicted or plead 'guilty'?

What happens to you depends on what offence has been committed – your solicitor will be able to advise you of the maximum and likely penalty for the offence you are being prosecuted for.

Possible sentences for people prosecuted by the RSPCA are as follows.

- A prison sentence.
- A fine.
- A community-based penalty, for example unpaid work or a supervision order.
- Disqualification from keeping, owning and influencing how animals are kept, and transporting and/or dealing in animals (the court is able to make a variety of disqualification orders under the Animal Welfare Act 2006).
- Confiscation of the relevant animal(s) in your case and/or those kept in contravention of any disqualification order imposed by the court.
- Absolute discharge – you are convicted but will not get a sentence.
- Conditional discharge – you are convicted but will not get a sentence on condition that you do not offend again within a set period.

The RSPCA will apply to the court for all the costs of the case (including the boarding of any animals still owned by you). The court will decide how much, if any, of these costs you should pay.

What can happen to me if I am found 'not guilty'?

If you are found 'not guilty' by the court you will be free to leave.

