

Written Charge(s)

S9 statements enclosed / MCA statement of facts only

[Name & address of defendant]

URN
(if applicable)

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Custody number
(if applicable)

--	--

Date of birth

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Arrest/Summons
Number

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**POSTAL
REQUISITION**

You are charged with the offence(s) below.

On *[date]* at *[time]*

[name and address of Magistrates' Court] will hear the case.

General notes

Please read all of this notice and everything sent with this charge carefully before you fill in any of the forms.

The charge lists the offences which the prosecutor says you have committed. The evidence for this is in the enclosed witness statements. This notice tells you about the court procedure and the choices open to you. It also tells you how to fill in the **plea form** enclosed with this charge.

Warning

If you do not reply to the charge, or attend court, the court may find you guilty in your absence.

Police Bail

If you are on police bail for the offence(s) you do not have to return to the police station and your police bail has been cancelled.

Advice and help

If you need advice about what to do you should get help from a solicitor or advice agency **at once**. If you cannot afford a solicitor you may be able to get free advice about your plea, or how to apply to the court for a representation order (legal aid) so that you can have a solicitor at the hearing. Do not wait until you first come to court. If you need any general advice about the court, contact the court office at *[address of the court office]*

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CHARGE(S)

<PNLD charge>

[This offence carries penalty points.]

Statement of facts

A brief statement of the case is set out below. This statement may be used as a summary of the prosecution case if you plead guilty.

<Statement of facts>

<**Prosecutor default costs statement**>

Charge Authorised by:

Prosecution contact details:

Date:

Court Contact:

Court Address:

Telephone No:

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Your choices

After reading all the papers, you must decide which course of action to take. You can do one of the following:

1. You may plead **guilty** by post – **Section 1** explains what to do; or
2. You may attend court and plead **guilty** – **Section 2** explains what to do; or
3. You may plead **not guilty** – **Section 3** explains what to do.

Decide how you want to plead to each offence listed in the charge. If you need help with this, see a solicitor or advice agency **at once**. It is unlikely that the court would make an order for you to be represented by a solicitor for these offences.

If you need any general help about this charge contact the court office. The address is at the top of this notice.

Section 1 – Pleading guilty by post

If you admit the offences listed in the charge, you may plead guilty in writing without attending court. If this is your decision, tick those offences in **Column 1 on the plea form**, sign the form and return it to the court. You need not attend court on the date shown on this notice.

Fill in the enclosed **MC100 statement financial circumstances** form and send it to the court with your plea form. Giving these details helps the court decide the right amount of any fine. If you do not give these details you may be ordered to pay a fine which is more than you can afford. You should also tell the court anything about the offences or yourself that you feel the court should know when deciding what sentence to give you. To do this fill in the **mitigating circumstances section** of the plea form. Send the completed plea form to the court with your statement of means.

[You must send your **photocard driving licence and the paper counterpart** to the court before the hearing date. If you do not do this, you will commit an offence and your licence will be suspended until the court has received it. You will not be allowed to drive while your licence is suspended.]

At the hearing the court will hear only

- [the statement of facts;]
- the witness statements with these papers, or a summary of them;
- any other matters included with this charge (such as a claim for costs);
- details of your driving record; and
- anything you write on the plea and statement of means forms.

If you want to plead guilty in writing you must act quickly. Fill in the plea form and the statement of means form and send them to the court so that they get there at least three days before the hearing date shown in this charge.

If you plead guilty by post, you will normally be convicted by the court on the date shown in the charge. The court may put the case back for up to four weeks without having to tell you. The court will write to you soon after the hearing to tell you what sentence the magistrates have given you.

If the court decides not to accept your guilty plea, it will tell you why in writing and give you a fresh hearing date.

Changing your plea

If you have sent the plea form to the court saying that you want to plead guilty, you can change your mind at any time before the hearing. If you do change your mind you must tell the court in writing as soon as possible that you want to plead not guilty.

Section 2 – Pleading guilty at court

If you admit the offences listed in the charge and want to plead guilty, you can do this in person at court. If this is your decision tick those offences in **Column 2 on the plea form**, sign the form and send it to the court. You must attend court on the date and at the time shown in the charge.

[You must bring your **photocard driving licence and the paper counterpart** to the hearing or send it to the court before the hearing date. If you do not do this, you will commit an offence and your licence will be suspended until the court has received it. You will not be allowed to drive while your licence is suspended.]

Complete the **statement of means** form and send it to the court so that it reaches the court at least three days before the hearing or bring it with you to court so that it can be handed to the magistrates at the hearing.

At the court hearing, you will be asked if you want to plead guilty. The court will then hear

- [the statement of facts;]
- the witness statements with these papers, or a summary of them;
- any other matters included with this charge (such as a claim for costs);
- details of your driving record; and
- anything you say about the offences and your income and expenses.

<Defendant copy>

The court will then decide what sentence to give you. If you are fined for this offence the court will expect you to pay on the day. If you **do not** provide the court with the statement of means, you may be ordered to pay a fine which is more than you can afford.

Attending court to plead guilty lets you tell the court things, in your own words, which might be difficult to explain in writing. For example, if the offence was committed in very unusual circumstances or if your income and expenses are complicated.

Section 3 – Pleading not guilty

If you do not admit the offences listed in the charge and you want to plead not guilty tick those offences in **Column 3 on the plea form**, sign the form and send it to the court.

You should **not attend** court on the date shown in the notice. The court will tell you in writing of a fresh date for a trial hearing when you must attend with your witnesses and any documents you wish the court to see. You should bring the original documents, not photocopies.

If your trial is expected to occupy some time or involve a lot of witnesses, the court may ask you to attend a pre-trial hearing to review your case so that the trial can be planned and arrangements made for the witnesses so that they do not have to wait at court longer than necessary.

Your witnesses

It is important that you tell the court the number and the names of the witnesses you want to give evidence for you and when **you** or any of your witnesses cannot attend in the next 3 months. Fill in the extra part of the **plea form** to give the court this information. The court will try and use it when fixing the date for your trial hearing.

The Prosecutor's witnesses

At the trial hearing, the prosecutor may read the witness statements sent to you with this charge unless you tell the prosecutor that you want the witnesses to come to court to give evidence. If you want any of these witnesses to give oral evidence, you should tell the **prosecutor**, whose name and address is on the notice accompanying the statements, as soon as possible. If you do not do this within seven days of receiving this notice, you will lose your right to prevent the statements being tendered in evidence and you will only be able to require the attendance of the witnesses with the court's permission.

What will happen if you do not reply to this charge

If you do not reply to this notice, the court may deal with the case in your absence on the date shown in the charge. The prosecutor will read the statements sent with this charge to the court or give a summary of them. Having heard what is in the witness statements the court will find you either guilty or not guilty of each of the offences in the charge. If you are found guilty of any offence, the court may sentence you in your absence.

Claims by the prosecutor for money

If you plead guilty or are found guilty, the prosecutor will normally ask the court to order you to pay the prosecutor's costs for bringing the case.

[The prosecutor may also ask the court to order you to pay a penalty equal to the outstanding duty. The amount that the prosecutor claims is printed on a notice with this charge.]

If you dispute the prosecutor's claim for costs, give your reasons on the plea form.

[If you **admit** the claim for outstanding duty sign **Box A on the plea form**.

If you send in a plea of guilty by post but **dispute** the claim for outstanding duty sign **Box B on the plea form**. You will then have to come to court (with any witnesses or evidence or both) on the date shown in this charge to support your argument that you should not be ordered to pay. If you do not say whether or not the claim is appropriate, the court will proceed as if you had admitted the claim.]

Motoring Cases

If you plead guilty by post the court will normally convict and sentence you on the date shown in this charge. But if the court is considering a driving disqualification, it will not finish the case on that date. The court will send you a notice giving you a later date when you must attend. At that hearing, you can give reasons why you should not be disqualified. The magistrates will consider what you say before making their decision. If you do not attend the hearing about disqualification, the court may issue a warrant for your arrest or sentence you (and disqualify you from driving) in your absence.]

Discount for early plea of guilty

The court, when passing sentence on you, will consider giving you a lower penalty if you enter an early guilty plea.

The amount of any discount will depend on how early you indicate your plea, as well as the circumstances that made you plead guilty.

If you wish, you can write to the prosecutor and the court as soon as you have been charged and are sure that you want to plead guilty. If you intend to see a solicitor you should speak to your solicitor first.

You can tell the court how you will be pleading at any hearing of your case, even if your case may have to be heard at the Crown Court.

Nothing stated here is intended to persuade you to plead guilty.

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For driving document offences only

1. If you have been charged with using a vehicle without the necessary documents (a driving licence, a test certificate or insurance). The charge may also say you did not produce the same documents to a police constable (or take them to a police station for inspection) as required by law following a request by the police.
2. The court would not expect you to plead guilty, for example, to both the offences of using a vehicle without insurance and failing to produce insurance.
3. If you have any documents that would cover your use of the vehicle at the time you were asked to produce them, you must produce them as soon as possible at the police station you originally selected when the police officer asked you to choose one. The police will then be able to check your documents and note the fact that you have produced them. Arrangements will then be made for the court to be told about this. You should note however, that the production to the police of these documents now will not be a defence to any prosecution for failing to produce the documents within seven days of the date of the original request.
4. It may not be possible to check your driving documents at court.
5. It may then be possible for your case to be dealt with in your absence, but only if you return the completed plea form and any other required documents (such as your driving licence and counterpart) to the court in time. If the court thinks that you should be disqualified from driving, it will let you know when you should attend court.
6. If you attend court without having driving documents checked at a police station, the case may be put off so that you can take the documents to the police station you selected and have them checked there. If time permits, you may be able to return to court later on the same day for your case to be completed. Otherwise the court would have to be put your case off to another day for you to return.
7. If you do not produce your documents at the police station, it could result in additional loss and inconvenience to you, as well as lead to an application for additional prosecution costs for the extra work involved.]

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Plea form

From: <Defendant Full Name>
 <Defendant Address Line 1>
 <Defendant Address Line 2>
 <Defendant Address Line 3>
 <Defendant Address Line 4>
 <Defendant Address Line 5>
 <Post Code>

Case number: <Case Number>
 Born: <Date of birth>
 Gender: <Gender>
 Court Date:
 Court Venue:

Please complete the boxes below if your details are different from those shown above

My name is:		Date of birth:
My address is:		
		Postcode:
Tel. number:		Gender:

Important

Read everything sent with this notice before you fill in this plea form. Make sure you sign the box at the end. Use your usual signature.

If you intend to plead guilty and ask the court to deal with the case in your absence, put a tick (✓) in **column 1**.

If you intend to plead guilty and come to court on the date shown in the notice, put a tick (✓) in **column 2**.

If you intend to plead **not guilty**, the court will not hear the case on the date shown in the notice and will write to you with a fresh date for the trial hearing. You must attend the trial hearing with your witnesses and your solicitor (if you are to be represented at that hearing). In this case put a tick (✓) in **column 3**.

Offence(s) charged	Column 1	Column 2	Column 3
	Guilty by post*	Guilty at court**	Not Guilty
{<Offence suffix> <Offence Title>}			

* If you are pleading guilty by post you must also fill in the **MC100 statement of financial circumstances** form and **mitigating circumstances** section.

** If you are going to plead guilty at court you must also fill in the **MC100 statement of financial circumstances** form.

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[Company warning

If you are filling in this form on behalf of a company you can sign it only if you are a director, the company secretary or the company's solicitor. If this applies to you, state your position with the company here

_____]

My pleas to the offences charged are as shown above.

Sign here

[Sign in Box A if you admit the claim for outstanding duty

I admit the claim for outstanding duty

Box A
_____]

[Sign in Box B if you dispute the claim

I dispute the claim for outstanding duty.

I will attend court on the date shown in the notice with witnesses or evidence (or both) to support what I say.

Box B
_____]

Will you have a solicitor to represent you?
(tick (✓) in the relevant box)

Yes	No
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If you have answered 'Yes', please give the name, address and telephone number of your solicitor in the space below.

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If you have filled in Column 3 to plead not guilty, fill in this part.

My witnesses are:

.....
.....
.....
.....
.....
.....
.....

Please avoid the dates below when arranging my trial hearing:

.....
.....

Driving licence

Have you enclosed your photocard licence and the paper counterpart with this form?
(tick (✓) in the relevant box)

Yes	No
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Write your driver number in full here:

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If you have not enclosed your licence, say why in the space below:

.....
.....

Mitigating circumstances

Please use the space below to write what you want about the offence(s) and yourself. Mitigating circumstances are facts about the offence or yourself which tend to make the offence less serious. The court clerk will read out what you write in the space below to the court.

[A large rectangular box containing 20 horizontal dotted lines for writing.]

Certificate of Service – Postal
Magistrates’ Courts (Miscellaneous amendments) Rules 1992)

I, [name] of [name of prosecuting organisation] hereby certify that I served [name of defendant] with the Requisition / statement of facts / notices / Doctor’s certificate / certificate of analysis / evidence* as prescribed by the Magistrates’ Courts Act 1980, Section 1 (1) and 3 and 3 / Criminal Justice Act 1967, Section 9 / Road Traffic Offenders Act 1988, Section 13 or 16(6)* of which this is a true copy / these are true copies* by sending them by 1st class post to him / her or by post in a pre-paid recorded delivery service letter, posted by me at [name of post office] at hours onday theof and addressed to [address of defendant being his / her last (or usual) place of abode.
Dated the of
Signed: Rank / Position:]
(*delete where applicable)

Certificate of Service – Personal
Magistrates’ Courts (Miscellaneous amendments) Rules 1992)

I, [name] of [name of prosecuting organisation] hereby certify that I served [name of defendant] with the Requisition / statement of facts / notices / Doctor’s certificate / certificate of analysis / evidence* as prescribed by the Magistrates’ Courts Act 1980, Section 1 (1) and 3 and 3 / Criminal Justice Act 1967, Section 9 / Road Traffic Offenders Act 1988, Section 13 or 16(6)* of which this is a true copy / these are true copies* by delivering the said Requisition / statement of facts / notices / Doctor’s certificate / certificate of analysis / evidence* to him / her personally at (place)

OR

By leaving the said Requisition / statement of facts / notices / Doctor’s certificate / certificate of analysis / evidence* for him /her* with(person) at (place), being the said [name of defendant] last known (or usual) place of abode.
Dated the of
Signed: Rank / Position:]
(*delete where applicable)