

**“What are the advantages and disadvantages of electing for a  
Summary trial as opposed to trial by jury?”**

There are many advantages to electing for a summary trial as opposed to trial by jury. One advantage of electing for a summary trial is that magistrates know more about their local area as they are members of the local community appointed by the Lord Chancellor. This means that their views could be more conclusive and would most likely consider the needs of the community and the major problems it faces. On the other hand, magistrates' courts deal with smaller incidents and magistrates may have a more 'conviction-minded' attitude as they wish to look out for their local community.

As the magistrates court represents the local community then if the defendant has been accused of committing a crime in his or her local area then the trial would be held in the local magistrate's court and this could lead to embarrassment for the defendant and the defendant being segregated from the local community. Where as if the trial was held at the crown court it would be further from home and the defendant would be less likely that the defendant would be in the public eye.

Magistrates Courts are faster in finishing cases as opposed to Crown Courts, which may take up to several months and this is an advantage electing for a summary trial as it often avoids long periods on bail or in remand. Which can lead to the loss of jobs, wages and accommodation.

Another reason for electing for a summary trial is that magistrates have lesser powers of conviction. They can impose a maximum of 6 months imprisonment and or a £5000 fine. However if you then plea or are found to be guilty and the magistrates feels his powers are not enough then he will send the defendant to the crown court for sentencing.

A disadvantage of electing for a summary trial is that the conviction rate in Magistrate Courts is very high, whereas in Crown Courts the figure is more evenly balanced, with the conviction rate being about 55%. This however, is somewhat biased, as crown court cases are more serious and not many cases move on from magistrates' courts. On the other hand, magistrates' courts deal with smaller incidents and magistrates have a more 'conviction-minded' attitude. This however, is somewhat biased, as crown court cases are more serious and not many cases move on from magistrates' courts. The chances for an acquittal are also much higher 60% in the crown court compared to 25% in a magistrate's court.

Magistrates court do not go into as much detail as the crown court, this is why the trial is called a summary trial as the magistrates are only given a summary of the case. This could prove to be a problem if the defendant is innocent of the crime of which he is accused as not all of the evidence or details of the case may be brought to light.

The main disadvantage of choosing trial by jury is the costs involved as a barrister becomes essential as in the crown court the case is looked into in more detail than the

magistrate's court. Saying this however if a case is taken to the crown court then it is more likely that the defendant will receive legal aid.

It could also be said that since magistrates are "lay" meaning not legally qualified that they are not capable of coming to a fair and more importantly a just verdict. This may or may not be so but they are certainly more experienced than a juror and that fact that magistrates usually sit in threes that any biases would be cancelled out and any inexperience compensated for. This experience would defiantly be looked upon as an advantage to electing for a summary trial as opposed to trial by jury.