

THE RSPCA HAS STARTED CRIMINAL PROCEEDINGS AGAINST YOU AND YOU HAVE BEEN SERVED WITH A SUMMONS TO ATTEND A MAGISTRATES' COURT.

COURT TELEPHONE NUMBERS TO ASSIST YOU

For help with the court process call
0300 3030 356 (English)

For help in Welsh call
0300 3035 172 (Welsh speakers only)

The summons will tell:

- the name and address of the court you have to attend
- the time and date when you have to attend
- the offence(s) you are alleged to have committed.

What should I do next?

It will be in your interests to seek legal advice as soon as possible either from a solicitor or your local Citizen Advice Bureau (CAB).

A solicitor or legal representative (not CAB) could:

- advise you whether you can get Legal Aid (which helps with the cost of your legal advice)
- help prepare your case and explain what the charges are
- 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
- advise you on the court process
- look after your interests.

You can get a list of local solicitors from:

- the Law Society at: gov.uk/find-legal-advice
- the Citizens Advice Bureau (CAB) – find your local branch in the telephone directory or look online at: citizensadvice.org.uk and click on 'Find your local CAB' or telephone for England: 03444 111 444 or for Wales: 03444 772 020
- the Yellow Pages – look in the printed directory or go to: yell.com and search for a criminal defence solicitor
- on your first court date there will be a duty solicitor who will be able to assist you. The duty solicitor is free of charge.

Your legal representative can contact the RSPCA about your case by emailing: solicitors.inbox@rspca.org.uk

Do I need to attend court?

YES – YOU MUST ATTEND COURT AT THE TIME AND PLACE STATED ON YOUR SUMMONS.

If you cannot attend on that date then:

- you must tell your legal representative or the court immediately
- you must provide evidence of why you can't attend – for example, a doctor's note if you are ill
- have this evidence ready to give to the court or your legal representative.

If you fail to attend court when you are required to do so, you will be wasting the time of the court and the court takes this seriously.

The court may:

- not give you any credit on your sentence for an early guilty plea
- issue a warrant for your immediate arrest which means that the police can come and arrest you and take you into custody until you can appear in court
- issue a warrant 'backed for bail' which means that you will be required to attend court on another date and if you do not, then it is likely that a warrant for your immediate arrest will be issued

The court can proceed with a 'trial in your absence' which means that they will hear all the evidence from the prosecutor. You won't have the chance to put your case to the court and they may convict you of the offence(s) in your absence. The court may then issue a warrant for your arrest so that they can sentence you.

What happens on the day of the hearing?

- Meet your legal representative at the court. Allow enough time to speak with them.
- If you decide to see the duty solicitor make sure you arrive at court with time to do so.
- Wait outside the courtroom where your case is listed.
- The Court Usher will tell you when the case is called on and where to sit inside the courtroom.
- You should not approach or speak to the prosecution witnesses as this could be seen as intimidation, which is an offence.

What happens during the hearing at court?

- Your case will be heard by either lay Magistrates or a District Judge.
- A Legal Adviser will be assisting the court and will be able to give you some assistance with the process if you are not represented by a solicitor.
- If you plead 'guilty', your case may be heard there and then and sentence passed.
- If you plead 'not guilty', the court will adjourn the case to a future date for a trial unless you change your plea to guilty at any stage.
- At the trial, you will hear the prosecution's case against you followed by your defence. The court will then decide if you are guilty, or not guilty, of any of the offences.
- If you are convicted or plead guilty the court may sentence you immediately or adjourn the case to another date if they want a probation report to be written about your circumstances.
- If you are found not guilty of all the offences you will be free to leave the court.

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

That will depend on what and how many offences you are convicted of – your solicitor will be able to advise you of the maximum and likely penalty for the offences you are being prosecuted for. It is for the court to decide what sentence and ancillary orders they will impose and can be any of, or combination of, the following sentencing options.

- A term of immediate imprisonment maximum of six months.
- A term of imprisonment which may be suspended.
- A community-based penalty, for example unpaid work or curfew order.
- Conditional discharge – you are convicted but will not get a sentence on condition that you do not offend again within a set time period.
- Absolute discharge – you are convicted but will not get a sentence.
- A fine.

Plus a consideration of the following ancillary orders.

- Disqualification from keeping, owning, participating in the keeping of and influencing how animals are kept; transporting and/or dealing in animals (the court is able to make a variety of disqualification orders under the Animal Welfare Act 2006).

- Deprivation order of the relevant animal(s) in your case and/or your other animals kept in contravention of any disqualification order imposed by the court.
- You might be ordered by the court to pay the costs of the prosecution. It is a matter for the court to decide how much, if any, of the prosecution costs you should pay and/or the costs relating to the care of your animal(s).

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 and that will be the end of the matter. If your animal(s) were seized the court might order that they are returned to you.

What about my animal(s)?

Any animal seized during the investigation will remain in the care of the RSPCA until the conclusion of the proceedings which will include any appeal against conviction and/or sentence.

Signing over your animal(s) to the RSPCA

You may have been asked by an RSPCA inspector if you would sign over ownership of your animal(s) to the RSPCA so that the RSPCA can look to rehome them at the earliest opportunity. You can change your mind and sign over your animal(s) at anytime.

If you do decide you want to sign over your animal(s) you can contact the RSPCA on: 0300 1234 999 and leave a message that you wish to sign your animal(s) over. You will need to leave your contact details and the name of the inspector (if known) so that someone can ring you back to arrange this.

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

If you do not sign over ownership of your animal(s) to the RSPCA, it is likely that costs will be incurred caring for your animal(s). The RSPCA may ask the court to make an order directing you to pay those costs, or a contribution to them, if you are convicted of an offence.