V oblasti občanskoprávní budou podle práva EU pokračovat probíhající řízení a řízení zahájená před koncem přechodného období. Portál e-Justice bude na základě vzájemné dohody se Spojeným královstvím uchovávat příslušné informace týkající se Spojeného království do konce roku 2024.

Na překladu do jazyka, ve kterém se vám stránka právě zobrazuje, zatím pracujeme.

K dispozici jsou již tyto aktualizované překlady: en

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Obvinění (trestní řízení)

Anglie a Wales

Vezměte prosím na vědomí, že tyto přehledy se vztahují pouze na Anglii a Wales. Pokud byste se chtěli dovědět něco o svých právech v ostatních částech Spojeného království, přečtěte si přehledy pro Skotsko a Severní Irsko. V těchto přehledech se dozvíte, co se stane, jestliže jste podezřelí nebo obviněni ze spáchání trestného činu, který se projednává v soudním řízení. Informace o méně závažných dopravních přestupcích, které se obvykle řeší pokutou, najdete v Přehledu 5. Pokud jste obětí trestného činu, můžete si přečíst podrobné informace o svých právech zde.

Shrnutí trestního řízení

Trestní řízení se obvykle skládá z těchto stadií:

Policie vyšetřuje, zda došlo ke spáchání trestného činu a kdo jej spáchal. Při tom shromažďuje důkazy.

Když policie identifikuje podezřelého, mohou jej, pokud to pokládají za nezbytné, zatknout a podrobit výslechu v souvislosti s trestným činem.

Jestliže se policie domnívá, že podezřelý spáchal trestný čin, obrátí se na Královskou prokuraturu (Crown Prosecution Service, CPS), s nimiž zkonzultují, jestli mají podezřelého obžalovat, tedy vznést formální obvinění, o které bude rozhodovat soud.

CPS rozhoduje o obsahu obžaloby a doručuje podezřelému oficiální dokument popisující vytýkaná obvinění.

Před soudním hlavním líčením se konají slyšení u soudu, kdy soudce zjišťuje, jak se obžalovaný hodlá hájit, a ověřuje, jestli je případ připraven na to, aby byl projednán v hlavním líčení.

Žalobce během hlavního líčení předloží soudu důkazy. Obžalovaný může rovněž uvést důkazy na svoji obhajobu. O závažných trestných činech rozhoduje porota a méně závažné případy řeší smírčí soudci (Magistrates).

Po vyslechnutí všech svědectví vynesou smírčí soudci nebo porota rozsudek.

Pokud je obžalovaný shledán vinným, stanoví soudce trest.

Proti rozsudku je možné se odvolat.

V těchto přehledech najdete podrobnosti o jednotlivých stadiích trestního řízení a vašich právech v nich. Upozorňujeme, že tyto přehledy nenahrazují právní poradenství a jsou určeny pouze pro orientaci.

Role Evropské komise

Vezměte prosím na vědomí, že Evropská komise se žádným způsobem neúčastní trestních řízeních vedených v členských státech a nemůže vám s žádnou případnou stížností pomoci. V těchto přehledech se dozvíte, kde a jakým způsobem podat stížnost.

Kliknutím na níže uvedené odkazy se zobrazí potřebné informace

1 - Jak získat právní pomoc

2 - Má práva během vyšetřování trestného činu

Vyšetřování a zatčení

Výslech a obvinění

Předvolání k soudu před hlavním líčením

Příprava případu před hlavním líčením

3 - Má práva v průběhu soudního procesu

4 - Má práva po skončení soudního procesu

Více informací o odvolacích řízeních

5 - Dopravní přestupky

Související odkazy

Královská prokuratura (Crown Prosecution Service)

Liberty Guide to Human Rights (základní práva a svobody)

Poslední aktualizace: 01/12/2016

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1 - Getting legal advice

Getting independent legal advice is important if you are suspected or accused of a crime. This factsheet tells you how to find a lawyer and who will have to pay.

At the police station

If you are questioned at the police station you have a right to request legal advice, free of charge, even if you have not been arrested. You can ask the police to contact a particular legal aid firm of your choice or ask the police to contact the duty solicitor who is available 24 hours a day and is a legal advisor who is independent from the police. For some offences advice will be delivered over the telephone by independent advisors. For more serious offences a legal advisor can attend the police station with you.

If you want a different lawyer, you can find one through the Law Society, Bar Council, Citizens Advice Bureau or Civil Legal Advice. If you choose not to use the duty solicitor you may have to pay some costs.
If you ask for legal advice, the police must wait until the lawyer has spoken to you before they question you. If you do not want a lawyer but change your mind, you can ask for one, free, at any time.

If you are not in police custody

If you are not in police custody but are accused of a crime, you should contact a lawyer as soon as possible. If you do not know a lawyer you can find one through the Law Society, Bar Council, Citizens Advice Bureau or Civil Legal Advice. You might qualify for free legal advice depending on your financial circumstances. A lawyer will be able to tell you whether you qualify, but you will have to provide information about your finances (e.g. a pay slip). Free services are only available from lawyers in the Legal Aid Agency scheme or, in the towns that have them, a Public Defender Service. You can check which lawyers are in the schemes by contacting Civil Legal Advice.

At court

If your case goes to court, you have a right to legal representation. Criminal Legal Aid guarantees legal advice and representation for those on trial. Whether it is free depends on the seriousness of the case and your financial circumstances. If you do not have a lawyer, ask to see the duty solicitor immediately when you arrive at court.
In the Magistrates' Court, if the case is serious, legal advice and representation is free; if not, you may have to pay a contribution to the cost depending on on your case, your age, and your income. You get free legal representation if you are under 18 or receive certain state benefits. The duty solicitor at the court or a member of court staff can explain this to you.
If your case is tried in the Crown Court you are entitled to legal advice and representation. If your annual household disposable income is equal or greater than £37,500, you will not be entitled to legal aid. You may also have to pay both income and capital based contributions towards your legal representation dependent upon your financial circumstnaces.
If you are found not guilty in the Crown Court, you may be refunded your costs. If you are found guilty, you may have to contribute towards the costs.

Related links

Legal Aid Agency
Law Society guidance
Citizen's Advice Bureau Guides (UK)
Criminal Legal Aid
General Council of the Bar

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2 - My rights during the investigation of a crime and before the case goes to court

This factsheet and its sub-factsheets explain the procedure used during criminal investigations and what happens after the investigation and before the criminal trial takes place.

What are the stages of a criminal investigation?

A criminal investigation begins when the police suspect a crime may have been committed. The police conduct the investigation and gather evidence. In serious cases once the police believe they have enough evidence to charge they liaise with the Crown Prosecution Service (CPS), which usually decides what, if any, charges are suitable. It may request further investigation.
If the police identify you as a suspect, the first key stage is the decision to arrest you.
After a period in custody for questioning, the next key stage is the decision to charge. If the police need to conduct further investigations and you do not need to be held in custody the police must release you either without charge or on police bail asking you to return to a police station at a later date.
If however, you are to be charged with an offence and the police decide you should still be kept in custody, you will be taken to a court to decide whether or not to release you on bail before the trial.
If you are being investigated for alleged terrorist offences your rights, and the police powers, are different from those discussed below (see the Terrorism Act 2000 which is outside the scope of these factsheets).
If you are under 18 there are additional safeguards. Ask your lawyer to explain them.

Click on the links below for more information about your rights before the case goes to court:

Investigation and arrest (1)
Interview and charge (2)
Court appearances before the trial (3)
Preparation of the case before the trial (4)

Investigation and arrest (1)

Will the police ask me questions?

If the police suspect you of committing a crime or having information about a crime, they can ask you questions.

Must I go to a police station?

The police can stop you, search you, and ask you limited questions in the street or other public place. If asked, you should tell the police your name and address. If the police suspect you of a crime, they may ask you to go to a police station voluntarily. They also have the power to arrest you and take you to a police station against your wishes. They must tell you why they are doing so.

Am I free to leave the police station?

If you are at a police station, either as a suspect or possible witness, but have not been arrested, you are free to leave at any time.

What happens once I am arrested?

If the police want to keep you in the police station they must arrest you. They must tell you why and the arrest must be necessary. The police can search you, take your fingerprints and DNA sample and conduct other physical searches explained here.

What happens if I don't speak the language?

If you don't understand English, the police must get you an interpreter, free of charge. You cannot be interviewed in the absence of an interpreter.

Can I have a lawyer?

If you are arrested, you have the right to consult a lawyer. If you do not know a lawyer the police will contact the duty solicitor. See Factsheet 1.

What if I am under 17 years old or a vulnerable adult?

If you are under the age of 17 or you are a vulnerable adult you must not be interviewed without an Appropriate Adult the police will arrange this.
This person will support and advise you in communicating with the police. This person is not a lawyer and will not give legal advice. An Appropriate Adult can be a family member, friend or a volunteer or social/health care professional.

Can the police search me?

Even if you are not under arrest the police can stop and search you or your vehicle but only if they have reasonable grounds for suspecting you have stolen or prohibited items or have committed a criminal offence.

Can the police take my fingerprints or DNA?

If you have not been arrested, you do not have to provide fingerprints or other samples, and the police cannot take them without consent. However, if you have been arrested the police do have the power to take samples such as blood, saliva or other body tissues without consent.

Must I take part in an identification parade?

If you have been arrested the police can ask you to take part in an identification parade. If you refuse this may be held against you in a trial. Normally this consists only of video photographs being shown to the victim or witness(es)". The duty solicitor can advise you.

Can the police search my car or premises?

If you have been arrested the police can, with authority from a senior officer, search your car and premises and remove any of your property if it is relevant to the investigation.

Can I contact a friend or family member?

Yes, to tell them where you are.

Can I see a doctor if I need one?

If you need medical help, you have the right to see a doctor.

I am from another Member State. Can I contact my Embassy?

Yes. A representative from the Embassy will come to the police station or contact you to see if you need help. The Police are obliged to contact the Consulate from the following countries in the EU if you have been arrested and detained - Austria, Belgium, Bulgaria, Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Poland, Romania, Slovakia, Spain or Sweden.

What happens if I am arrested on a European Arrest Warrant?

If a European Arrest Warrant is issued by one Member State, you can be arrested in another Member State and sent back to the country concerned after a hearing before a judge. You are entitled to have a lawyer and an interpreter if you need one. See Factsheet 1.

When will the police charge me?

If the police decide that there is enough evidence against you, they can charge you with a crime. The charge tells you what crime the police think you committed. Once you have been charged, the police cannot question you further about that crime.

How long can I be detained by the police after arrest?

Once you are arrested the police can detain you at a police station for up to 24 hours. A senior officer may extend this period to 36 hours if he has reasonable grounds for believing that it is necessary to gather evidence, the offence is a serious one and that the investigation is being conducted properly. After that time you must be charged with an offence or released from police custody. If the police wish to detain you further they must obtain permission from a Magistrates' Court. The court can extend the period of detention to a maximum of 96 hours.

Complaints against the police

If you think the police treated you inappropriately, you may complain either to the police or to the Independent Police Complaints Commission.

Interview and charge (2)

When can I be interviewed?

If you are arrested and detained at a police station, the custody officer must ensure that you are mentally and physically fit to be interviewed. In any period of 24 hours, you must have a continuous period of at least 8 hours rest with no questioning. During an interview, you should be permitted 15 minute refreshment breaks every 2 hours. You are normally entitled to have a lawyer present in the interview.

Must I answer the police's questions?

You do not have to answer questions. If they suspect you of a crime, the police have to give you a formal warning (caution) before they ask questions. They warn you that you do not have to answer questions but that if you do say anything, what you say can be used as evidence in court. You must also be told that if you fail to say something that you later wish to rely on in court then the fact that you did not mention it to the police may be held against you in a trial.

How are police interviews conducted?

Police station interviews take place in an interview room and will always be audio recorded. The recording process must be explained to you before interview.

When will the police charge me?

If the police think that they have enough evidence against you, they can charge you with a crime. The police cannot then question you further about that crime. The charges may be altered at a later stage in the process.

Court appearances before the trial (3)

When do I first appear in court?

If you have been held in police custody, you must be taken to court on the next day it is sitting. Normally, the first hearing will be in the Magistrates' Court.

Do I have the right to a lawyer?

You have the right to a lawyer in court. If you don't have your own lawyer, the duty solicitor will act for you. See Factsheet 1.

Will there be an interpreter if I don't speak the language?

If you don't speak English, an interpreter will be provided, free, to translate all the court proceedings.

Can I be released from custody?

If you are held in custody, you can apply to the court to be released on bail. If bail is granted you may not have to deposit any money.
You will usually get bail if you do not have a criminal record and the court thinks you are not a risk to society, will not interfere with witnesses and will attend court when required. Bail may be subject to conditions, such as living at a certain address, giving the police your passport or wearing an electronic tag.
If the court refuses bail, you will be imprisoned until your trial.

Can I appeal the decision to keep me in prison until the trial?

Yes. Ask your lawyer for advice.

Will I appear in court again before the trial?

Yes. Your lawyer will advise you.

How long can I be held in prison before the trial?

If you are held in prison, your trial must take place within certain time limits.

Usually, a Crown Court trial should start within 182 days of you going to prison. If it doesn't, you may ask to be released on bail. In less serious cases, the trial must take place within 56 days. If it doesn't, you will be released on bail.

Preparation of the case before the trial (4)

What happens before the trial?

In the period before your trial, the Crown Prosecution Service (CPS) continues to review whether the case is strong enough to justify prosecution. The prosecutor will share with your lawyer the evidence that will be used against you at trial. For example, if witnesses are to give evidence, you will be given their written statements. The prosecution must also disclose to you any material that may weaken its case or assist your case. The prosecutor must continually review the evidence and disclose to you any material falling within that test.

I am from another Member State. Do I have to be present in England/Wales before the trial?

If you have not been held in custody or have been released on bail, you are free to go back to your own country. However you may not be granted bail if the prosecutor requires you to remain in England or Wales while the investigation continues. The court may grant you bail on the condition that you remain in England. It is an offence if you break this condition. If you are released on bail you must give an address in the United Kingdom where you can be contacted. This can be the address of your lawyer.

If I have gone back to my own Member State, do I have to go back to England/Wales before the trial?

Probably. For some preliminary hearings, it may be that your lawyer can ask for you not to attend, or it may be possible for you to participate by video link.

Will my case always go to trial?

Your case will not necessarily go to court. The CPS can decide to drop the case or it may suggest a conditional caution, which may include a fine. If you agree to this, you are accepting you that committed the crime. It will go on your criminal record and you will not be able to appeal.

What kind of evidence will the prosecution collect?

The police will interview witnesses and may also collect physical and forensic evidence. For example, they may collect documents from your home or workplace, they might search your car or collect samples of your DNA (eg hair, saliva etc).

Can I prevent the prosecution from collecting certain evidence?

Sometimes the police have to obtain a search warrant, which can be challenged. Usually warrants have to be specific about what can be searched and why. If the police do not comply with the warrant, then the evidence collected might not be admitted at trial.

Will information be requested about my criminal record?

The prosecution will gather information about your criminal record, including convictions outside the UK.

Can the charges against me change before the trial?

Yes. This depends on the prosecution's assessment of the evidence. Your lawyer can ask for charges to be changed.

What happens if I have been tried for the same offence in another Member State?

If a final decision has been made by a court in one Member State then you cannot be tried again on the same facts in another Member State.

Can I plead guilty before the trial?

In most cases, if you want to plead guilty to the charge(s) before trial you can. If you plead guilty you will normally get a much lower sentence than if you had a contested trial. If you decide to plead guilty, you cannot usually appeal against the conviction and it will appear on your criminal record.

Related links

Criminal Procedure and Investigations Act 1996 (as amended)
Criminal Justice Act 2003 (as amended)
Police and Criminal Evidence Act 1984
Codes of Practice
Bail Act 1976 (as amended)
Prosecution of Offences Act 1985, section 22 (as amended)
Serious Organised Crime and Police Act 2005
Terrorism Act 2000

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3 - My rights during the trial

Where will the trial be held?

All criminal cases start in the Magistrates' Court. There are three possible ways the case may then proceed.

For minor offences the whole trial must be conducted in the Magistrates' Court either by three lay magistrates or by a District Judge.

For more serious offences the trial can be conducted in the Magistrates' Court *or* in a Crown Court by a judge and jury of 12 people.

The magistrates or District Judge will consider which type of trial is most suitable in your case after hearing your lawyer make representations on your behalf. If suitable it will be tried in the Magistrates' Court, if not or if you insist on a trial in the Crown Court it will be transferred to that court. All trials of adults are held in public.

If you are under 18, unless the offence charged is a very serious one, the trial will be heard in a youth court by a judge or by three specially trained magistrates. The public will not be admitted.

Can the charges be changed during the trial?

The charges can be changed at a preliminary hearing but usually not once the court has started to hear evidence. Less serious charges must be brought within six months of the offence. You can plead guilty to some or all of the charges. The prosecutor may agree to accept your plea of guilty to a lesser crime than the one you were charged with.

Do I have to be present at the trial?

It is a criminal offence not to attend court when required. Moreover the case can go ahead in your absence. For minor offences, it is often possible to be present through a lawyer, or to plead guilty by post, or to allow the trial to proceed in your absence. In the Crown Court the trial cannot usually be held without your presence. However, if you disrupt proceedings or abscond, a trial can continue without you. Failing to turn up (without good reason) is a criminal offence.

Can I participate at the trial by video link?

Normally this is not possible, although for some hearings you can be produced from prison or a police station by way of a video link. The magistrates or judge and prosecutor are in the court. Your legal advisor can be either at the police station or in court and will be able to see and hear you on the video link.

Will I have an interpreter if I don't understand what's happening?
If you do not understand English the court will provide an interpreter for you.
Will I have a lawyer?
Generally, you do not need to have a lawyer with you in court but you are strongly advised to have one. In certain trials you must have a lawyer, such as rape cases or those with young witnesses.
Can I change my lawyer?
Yes, see Factsheet 1.
Do I need to give evidence at the trial?
You can give evidence at the trial but cannot be made to do so. Your lawyer will advise whether you should. Your failure to give evidence without good reason may count against you, but you cannot be convicted solely because you remained silent at trial.
What are my rights in relation to the evidence against me?
If you agree, evidence can be read or summarised. If you dispute the evidence, then the witness will normally be required to attend court to give the evidence, so that you can challenge it by asking questions. If the prosecutor uses documents as evidence against you he must tell your lawyer before the trial. Your lawyer can challenge the document. Any witness who gives evidence against you can be questioned by your lawyer to challenge their account.
Can I produce evidence on my behalf?
Yes. The evidence might be documents or physical evidence. You can also ask witnesses to give evidence for you, and the judge can make them come to court. Your lawyer and the prosecutor will ask them questions.
Will information about my criminal record be taken into account?
Before the trial the prosecutor will gather information about your criminal record. This may include convictions in other countries. In certain situations the information will be revealed to the court, but your lawyer will be able to challenge whether that should happen. Even if your criminal record is taken into account by the court, you will not be convicted simply because you have a criminal record.
What happens at the end of the trial?
After all the evidence has been given, the decision ("a verdict") is made whether you are guilty or not guilty. In the Magistrates' Court, the magistrates decide on the verdict. In the Crown Court the jury alone decide the verdict. If the verdict is not guilty (you are "acquitted"), the case ends. If there are no other charges you are free to leave the court. If the verdict is guilty (you are "convicted"), the lawyers then make submissions about sentence. There may be a separate court hearing for sentencing.
What sentence will I receive?
The sentence will depend on the seriousness of the crime. The court will follow national guidelines. For every offence there is a maximum sentence; for some there are also minimum sentences.
More information about possible sentences is available here. They include:
Imprisonment. This may be indeterminate or fixed term. The court will explain how much of this you are likely to serve in prison. Sentences of less than 12 months may be suspended (served in the community, under fixed conditions). The time you have already served in prison awaiting trial will usually count towards the sentence
community orders (which may involve several conditions such as doing unpaid work in the local community)
fine (a monetary penalty)
compensation (money paid to the victim)
deportation (return to your country only in the case of a serious crime)
disqualification (for example, from driving).
What is the role of the victim during the trial?
The victim is not a party to the proceedings, but may give evidence at your trial. In deciding the sentence against you the judge will consider a statement from the victim about the impact of the crime. The judge cannot award civil damages against you but can make a sentence of a compensation order. It is possible for the victim to bring a private prosecution against you.
Related links
Going to Court
The court process
Appearing via live link
Sentencing guidelines
Prisoners' Families helpline
Life in prison
Children and Young Persons Act 1933 (as amended)
Magistrates Courts Act 1980 (as amended)
Criminal Justice and Public Order Act 1994 (as amended)
Criminal Procedure and Investigations Act 1996 (as amended)
Crime and Disorder Act 1998 (as amended)
Powers of Criminal Courts (Sentencing) Act 2000 (as amended)
Criminal Justice Act 2003 (as amended)
UK Borders Act 2007 (as amended)
Criminal Justice and Immigration Act 2008 (as amended)
Coroners and Justice Act 2009 (as amended)
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4 - My rights after the trial

Can I appeal?
If you were convicted or sentenced in a Magistrates' Court you can appeal to the local Crown Court. You can also appeal to the Administrative Court in London if you believe the magistrates misinterpreted the law.
If you were convicted or sentenced in the Crown Court, you can only appeal if granted leave to do so because, e.g., the judge made a mistake. You can then appeal to the Court of Appeal in London.

How do I appeal?
If the trial was in the Magistrates' Court you must appeal within 21 days. If the trial was in the Crown Court you must appeal within 28 days. Your lawyer will advise you whether and how to appeal.
What are the grounds of appeal?
You have a right to appeal any decision of a Magistrates' Court but must complete and return a form available from the court.
Appeals from the Crown Court require a more formal process. When you make your appeal you must give a detailed statement of your reasons. Grounds of appeal include that:
The judge gave wrong instructions to the jury;
There was a mistake or irregularity in the trial procedure;
Evidence was wrongly allowed, or disallowed.
Grounds for appeals against sentence include that:
The judge made an error of law;
That the length of sentence was excessive.
What happens at the appeal hearing?
An appeal from a Magistrates' Court will normally be heard by a judge sitting with two magistrates (different from those who originally tried the case). It is a fresh hearing and new or different evidence and facts may be called. If the appeal is just against the sentence, the Crown Court may reduce the sentence, confirm it or increase it.
If you challenge the magistrates' interpretation of the law in the Administrative Court, and that court decides the magistrates were wrong, the verdict will be overturned. In some circumstances, it may be returned to the Magistrates' Court for another hearing.
An appeal against a conviction in the Crown Court will be heard in the Court of Appeal. Your lawyer and the prosecutor will present arguments about the merits of your appeal. The court can call for more evidence. Generally, you cannot call evidence that was available at the time of the trial which you decided not to use at trial. Appeals will be in public.
If you are not in prison you have a right to attend the appeal. If you are in prison, you have a right to attend unless the appeal is on matters of law alone. The court may allow you to participate via video-link.
What happens if I am in prison when I appeal?
Once you have applied for an appeal you can apply for release from prison until the appeal hearing has taken place, although release in these circumstances is rare. If bail is granted, it may be subject to conditions.
How long will it be before the appeal is heard?
Appeals from the Magistrates' Court against sentence are usually heard quickly if you are in custody but otherwise within 3 to 6 months. You need permission from a senior judge to appeal a Crown Court decision to the Court of Appeal. On average, appeals against conviction are heard within 8 months and appeals against sentence within 5 months. You can abandon an appeal at any time by writing to the Criminal Appeal Office.
What happens if the appeal against conviction is successful/unsuccessful?
If the appeal is successful, the court will quash your conviction and it is removed from the official record. In some circumstances the court may set aside the conviction but allow the prosecutor to start a new trial against you.
If the appeal is unsuccessful, normally no change is made to the trial verdict, but in some cases the appeal court may substitute a conviction for a less serious crime (this cannot normally be done on appeal from the Magistrates' Court).
What happens if the appeal against sentence is successful/unsuccessful?
If the appeal is successful, the court will impose a new sentence. If the appeal is unsuccessful, the court may confirm the original sentence, and may also increase it.
Is there a right to appeal again to a higher/different court?
If you appealed from the Magistrates' Court and the appeal was rejected by the Crown Court you can apply to the Criminal Cases Review Commission (CCRC) asking them to refer your case back to the Court of Appeal. This is rare.
If you appealed to the Administrative Court, or Court of Appeal you may have a right to a further appeal to the Supreme Court of the United Kingdom if your appeal raises a point of general legal importance.
If my appeal is successful will I get any compensation?
You can apply for compensation within 2 years by completing this form. The Government decides. Your lawyer will be able to explain how the scheme works.
Is further appeal possible if the first appeal fails?
Exceptionally, you may be able to make a further appeal if a new ground of appeal arises. If you want to produce new evidence you must explain why it was not heard at the trial.
Are there any other ways for me to make an appeal?
You can apply to the CCRC asking them to investigate whether there was a miscarriage of justice. The Commission can refer your case to the relevant appeal court. If they do, your case is heard as a normal appeal.
I am from another Member State. Can I be sent back there after the trial?
If you are convicted and sentenced to prison you may be liable to be deported when released. If you are not a British Citizen and the sentence is 12 months or more or if you are sentenced for certain serious offences, the Government will normally order deportation at the end of your time in prison. In any other case where prison is a possible sentence, if you are over 17, the judge may recommend that you should be deported after the sentence is served. This is possible whether you are sent to prison or not. The Government will decide based on the judge's recommendation. The judge's recommendation is part of the sentence and can be appealed, as described above. The Government may seek to deport you, even without a court recommendation if "conducive to the public good". If you are a national of another Member State you can be deported only on the grounds of public policy, public security or public health. Being convicted of a crime does not by itself justify deportation. You have the right to appeal to a special tribunal against a decision to deport you.
If I am convicted, can I be tried again for the same crime?
If you have been convicted or acquitted of a crime after a trial in any part of the United Kingdom, you cannot be tried again in England for the same crime except in special circumstances. The same rule applies where a verdict has been given after a trial if the trial was in another Member State.
Information about convictions
Convictions and cautions are recorded on the Police National Computer (PNC) until your 100th birthday. If you believe that information about your record is inaccurate, you can challenge it. Your lawyer will tell you how to do this. You may also ask the police Chief Constable in the area where the offence occurred to amend or delete the information. Cautions, reprimands and final warnings are treated as convictions. Even after you have completed any

sentence, you have to reveal the conviction or caution when required (e.g. on job applications) until the conviction becomes spent. How long that takes depends on the type of crime and the sentence. If you were issued with a Fixed Penalty Notice or Penalty Notice for Disorder, this is not part of your criminal record.

Related links

Court of Appeal

A Guide to Commencing Proceedings in the Court of Appeal
Supreme Court of the United Kingdom
Criminal Cases Review Commission
Criminal Records Bureau
https://www.gov.uk/government/organisations/disclosure-and-barring-service Rehabilitation of offenders
Criminal Appeal Act 1968 (as amended)
Rehabilitation of Offenders Act 1974(as amended)
Bail Act 1976 (as amended)
Magistrates Court Act 1980 (as amended)
Senior Courts Act 1981 (as amended)
Criminal Appeal Act 1995 (as amended)
Police Act 1997 (as amended)
Human Rights Act 1998 (as amended)
Police and Justice Act 2006 (as amended)
European Convention on Human Rights

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5 - Road traffic offences

How are parking offences, etc., dealt with?

If you park where you shouldn't on public roads, you may receive a parking ticket. Different organisations enforce parking rules and issue parking tickets in different places. These include local councils, the police, private companies or Transport for London. Most on-street parking is enforced by council-employed parking attendants, who issue Penalty Charge Notices (PCNs) through the civil justice system. Traffic Wardens are employed by the police and therefore operate in areas where parking enforcement has not been decriminalised. They issue Fixed Penalty Notices (FPNs) through the criminal justice system.

PCNs are usually left on the vehicle windscreen or handed to whoever appears to be in charge of the vehicle. They can also be issued by post. You usually have 28 days either to pay or challenge the PCN and the fine may be reduced if you pay quickly. Informal appeals can be in writing: if you want to appeal, do not pay the parking ticket at this stage, because once you've paid it's almost impossible to get a refund.

Clamping

Councils in England and Wales can tow away or clamp a vehicle in certain circumstances. You should only be clamped 30 minutes after a PCN has been issued. If you believe your car was unfairly clamped, you can appeal. You have to pay to release your car, and appeal later. If you write to appeal and the council doesn't respond within 56 days of receipt, it must cancel the PCN parking ticket and refund the release fee you paid.

Advice on what to do if clamped on private land is available here.

Can I appeal?

If the council rejects your informal parking ticket appeal, you can make a formal appeal. The council will tell you how. If the council rejects your appeal, you will receive a Notice to Owner (NTO) ordering you to pay the original charge. It also tells you how to present a further appeal to independent adjudicators.

Different parking adjudication services exist: London Tribunals serves London, the Traffic Penalty Tribunal serves the rest of England and Wales.

You have 28 days from the day the NTO is served either to pay the parking ticket fee or lodge a formal appeal against the parking ticket. If you do neither, the council has the right to increase the fine by 50%. If you still don't pay, the council can take more formal civil proceedings to recover it.

FPN parking tickets are issued by police officers or police traffic wardens and are dealt with through the criminal justice system. The only official system of appeal against an FPN parking ticket is to opt to have your case heard in court and plead not guilty. However, some police forces allow an informal parking ticket appeal, where you can write explaining why you don't think you should have to pay the fine. If this is possible in your area, the FPN ticket will include details.

How are speeding offences, etc. dealt with?

If you exceed the speed limit and are caught by the police or a safety camera, the police may:

Give you a verbal warning

Offer you a speed-awareness course (for which you will have to pay)

Issue a Fixed Penalty Notice (FPN) with a fine of £60 and three penalty points. This is the most likely option.

Prosecute you for speeding. This will mean you will have to go to court, and could face a fine of up to £1,000 (£2,500 if you were speeding on the motorway), between three and six penalty points on your driving licence, and a possible driving disqualification.

What happens if you are pulled over?

The police have the power to stop any driver and failing to stop is itself an offence. When you are stopped by the police, you may be asked to produce a driving licence, insurance and your vehicle registration document. If you don't have these with you, you have 7 days to produce them at a police station.

If you're pulled over and have committed a traffic offence, the police may issue you with a Fixed Penalty Notice (FPN) or a vehicle defect rectification notice.

If you've committed a minor traffic offence, such as not wearing a seatbelt or driving with a broken headlight, the police may issue you with a FPN. Police do not have the power to make you pay fines on the spot. You have 28 days to pay the fixed penalty or request a hearing otherwise the fine will increase by 50%. You'll be reported for prosecution if you fail to pay a fixed penalty for an offence detected by an automatic camera within 28 days.

A vehicle defect rectification notice may be issued if your vehicle is defective, for example, one of its indicators is broken.

Police can 'breathalyse' you (ask you for a breath test) if they suspect you've been drinking. If you fail the breath test, the police will take you to the police

station where you'll be charged with an offence and the evidence (the breath test) retained. You must leave your car until you're sober enough to move it, or another driver can move it with your consent. If you are only just over the limit, you may give a blood test. Failure to give a breath test is an offence. Drink driving offences will result in mandatory disqualification from driving.

If you get 12 points on your licence within a 3 year period, you will usually lose your licence for at least 6 months

The police have the power to seize a vehicle if it's being used in an anti-social manner (causing alarm, harassment or distress).

Police can seize vehicles if drivers don't have an appropriate licence or insurance

Serious road offences (e.g. causing death by dangerous driving) may result in imprisonment.

Will these offences appear on my criminal record?

Criminal records are maintained by the Criminal Records Bureau (CRB). Any conviction in court results in a criminal record. If you are not convicted in court you don't get a record: so fixed penalty notices only form part of your record if you were convicted in court.

Related links

Parking tickets and your rights

More information about parking

Police road traffic powers

Speeding fines and your rights

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