How a case comes to the Magistrate's Court

Complaint Laid **Complaint Police Notice to** Accused charged Accused at Accused in attend Court and released on by a large **Police custody** person Police bail other than **Police** Offences under: Accused arrested or Accused not Accused arrested s76(2)CPCdetained without arrested and detained *Traffic Act*, max warrant without warrant penalty 4 months Charge is imprisonment Alleged offence not usually Police must and/or fine murder or treason accompanied bring accused by prepared Offence not of a Bicycles Act before Court summons serious nature/ without undue Trespass and person prepared to delay **Branding Act** give bail Notice must have Charge is Recognisance sets accompanied by been served within date and time of first application for 14 days of alleged Court appearance offence remand in ss23. 106 CPC custody Notice sets date and time of first Court s76(3) CPC; s5 appearance (at least Constitution, s20 10 days after CPCservice) s78 CPC Clerk receives charge sheet To Magistrate Clerk receives charge sheet Opens file If oral, put in writing NB All charges for a plea to be taken on Monday morning should be received no later Registers in Signed by complainant than 12 noon on the Friday before Court record and Magistrate book s76(4) CPC Magistrate or Clerk draws To Magistrate in Chambers, for Magistrate in Court up formal charge directions (first appearance) Signed by Magistrate s76(4)CPC