

**HER WORSHIP THE DEPUTY HIGH BAILIFF'S SUMMARY PRACTICE
DIRECTION 2012**

The objects of this Practice Direction are to reduce:-

- the number of ineffective trials;
- the time between the date of offence and trial date
- unnecessary trial preparation for the Courts, the Police, the Criminal Prosecutions Division and Defence Advocates.

This Practice Direction will come into operation for all Defendants who plead “not guilty” on or after the 7th January 2013

1. For Defendants charged and released on Police bail, the time from charge to first appearance will be no more than 14 days and the expected target date will be between the 4th and 10th day after charge; the objects of this are to enable Defendants who wish to enter a plea of Guilty to have the opportunity of doing so at an early opportunity, and to enable such Defendants to obtain a speedy resolution to the proceedings.
2. Defendants will be told by the Police that they will be expected to enter a plea at their first court appearance, to have instructed an advocate before that date if it is their intention to do so and to take with them their driving licence in appropriate cases. They should also be made aware of the need to have proof of their income available prior to their first appearance in order to allow any Legal Aid application to be considered.
3. Upon a plea of Not Guilty being entered by a Defendant, other than in those “non standard” cases listed in paragraph 9, the case will be adjourned to a pre trial review (PTR) date and the Prosecutor dealing with the case will be identified to the Defence Advocate or Defendant as appropriate.
4. The PTR date will be fixed to take place 8 weeks after the date upon which the plea of Not Guilty was entered except in those cases where the Defendant is remanded in custody or the Court, after hearing representations from the Prosecutor and Defence Advocate or Defendant, is of the view that a Pre trial review is not necessary or a shorter date can be accommodated.
5. A Pre-Trial Review File (the “PTR file”) will be provided by the Police to the Criminal Prosecutions Division no later than 3 weeks from the date upon which the

plea of Not Guilty was entered, and a copy of the same will be provided to the Defence as soon as is reasonably practicable and in any event no later than 14 clear days before the PTR; the PTR File shall contain copies of all witness statements and documentary exhibits upon which the Prosecution intends to rely, together with:-

- (a) disclosable unused material so far as it is known at that stage;
- (b) copies of witness statements that are to be tendered to the Defence; and
- (c) details of other witnesses who are to be tendered to the Defence.
- (d) the Pre Trial Review form (PTR form) the Prosecuting Advocate having completed the Prosecution's section of the PTR form and forward it electronically to the Defence advocate or, where possible to an unrepresented Defendant.

6. Prior to the PTR:-

- i. the Prosecuting Advocate will be expected to have had the time and opportunity to consider the strength of the evidence and to have considered and to have consulted on alternative charges that would be acceptable.
- ii. the Defence Advocate will be expected to have made an informed assessment of the strengths and weaknesses of the case and to have advised the Defendant accordingly.
- iii. The Defence Advocate will complete the Defence Section of the PTR form; to respond constructively to the Prosecution section, and when complete, send a copy of the PTR form to the Prosecutor and to the Court electronically at the latest by 10.00am **two working days** before the PTR.
- iv. the Prosecuting Advocate and the Defence Advocate will be expected to have had meaningful discussions as to any areas of potential resolution and the future disposal of the matter; the Defence Advocate should, where possible, give the Prosecuting Advocate sufficient advance notice of any broad areas of potential resolution so as to enable the Prosecuting Advocate to have time to consult with the investigating Officers.

7. The Defendant will attend the PTR.

8. At the PTR the Court will be proactive, and will endeavour to assist the parties in resolving the matter, including ensuring that the Defendant is aware of the credit for a guilty plea.

9. Non-standard cases are likely to be (but are not limited to) those requiring forensic or other expert evidence or multi-handed cases and the time scales in respect of such cases will be dealt with on a case by case basis.

- 10.** Cases that can be disposed of prior to the PTR should be identified to the court by Prosecution and Defence Advocates and to be listed at an earlier hearing for disposal.
- 11.** At the Pre-trial review the trial date will be identified and fixed and appropriate directions given.

Jayne Hughes

Deputy High Bailiff

Date: 21st December 2012