

## PART 8

### INITIAL DETAILS OF THE PROSECUTION CASE

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#### When this Part applies

**8.1.** This Part applies in a magistrates' court.

#### Providing initial details of the prosecution case

**8.2.**—(1) The prosecutor must serve initial details of the prosecution case on the court officer—

- (a) as soon as practicable; and
- (b) in any event, no later than the beginning of the day of the first hearing.

(2) Where a defendant requests those details, the prosecutor must serve them on the defendant—

- (a) as soon as practicable; and
- (b) in any event, no later than the beginning of the day of the first hearing.

(3) Where a defendant does not request those details, the prosecutor must make them available to the defendant at, or before, the beginning of the day of the first hearing.

#### Content of initial details

**8.3.** Initial details of the prosecution case must include—

- (a) where, immediately before the first hearing in the magistrates' court, the defendant was in police custody for the offence charged—
  - (i) a summary of the circumstances of the offence, and
  - (ii) the defendant's criminal record, if any;
- (b) where paragraph (a) does not apply—
  - (i) a summary of the circumstances of the offence,
  - (ii) any account given by the defendant in interview, whether contained in that summary or in another document,
  - (iii) any written witness statement or exhibit that the prosecutor then has available and considers material to plea, or to the allocation of the case for trial, or to sentence,
  - (iv) the defendant's criminal record, if any, and
  - (v) any available statement of the effect of the offence on a victim, a victim's family or others.

#### Use of initial details

**8.4.**—(1) This rule applies where—

- (a) the prosecutor wants to introduce information contained in a document listed in rule 8.3; and
- (b) the prosecutor has not—

- (i) served that document on the defendant, or
- (ii) made that information available to the defendant.

(2) The court must not allow the prosecutor to introduce that information unless the court first allows the defendant sufficient time to consider it.