

..... Magistrates' Court

Preparation for effective trial

Criminal Procedure Rules Parts 1 & 3

- This form:
 - collects information about the case that the court will need to arrange for an effective trial: CrimPR rules 3.2 and 3.3
 - records the court's directions: CrimPR rule 3.5.

- After the court gives directions for trial, if:
 - information about the case changes, or
 - you think another direction is needed**you must tell the court at once:** CrimPR 1.2(1) & 3.10.

- If the defendant pleads not guilty, and the court requires:
 - the prosecutor must complete Parts 1, 2 and 4
 - the defendant must complete Parts 1, 3 and 4
 - the court will record directions in Parts 4 and 5.

See the separate notes for guidance on the use of this form.

There is extra space on page 4, or attach extra sheets if required.

The electronic version of this form will expand.*

A list of standard trial preparation time limits is at page 7.

Court contact details

Address	Phone
	Fax
Email	

Part 1: to be completed by the prosecutor and the defendant (or defendant's representative)

Defendant

	Date of birth:
	Age: years

<input type="checkbox"/> Summons	<input type="checkbox"/> Charge	<input type="checkbox"/> Bail	
<input type="checkbox"/> Requisition	<input type="checkbox"/> Custody	Time limit expires:	

Offence(s)

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Police / CPS URN

	Date of first hearing	
--	------------------------------	--

1 Prosecution contact details

Prosecuting authority

	Phone
	Fax
Email	

2 Defendant's contact details

Defendant

Address	Phone
	Mobile
Email	

3 Defendant's representative (if applicable)

Solicitor

	Phone
	Fax
	Ref
Address	
Email	

Representation is:

Defendant's representative to complete

legal aid granted

legal aid applied for

privately funded

Part 2: to be completed by the prosecutor

4 Case management information

- 4.1 Are there any pending enquiries or lines of investigation? Yes No
If yes, give brief details:
- 4.2 Does the prosecutor intend to serve more evidence? Yes No
If yes, give brief details:
- 4.3 Does the prosecutor intend to serve a diagram, sketch map or photos? Yes No
If yes, give brief details:
- 4.4 The prosecution will rely on:
- | | |
|---|--------------------------|
| defendant's admissions in interview | <input type="checkbox"/> |
| <i>Tick / delete as appropriate</i> defendant's failure to mention facts in interview | <input type="checkbox"/> |
| [a summary] [a record] of the defendant's interview | <input type="checkbox"/> |
| [expert] [hearsay] [bad character] evidence | <input type="checkbox"/> |
| [CCTV] [electronically recorded] evidence | <input type="checkbox"/> |
- 4.5 What equipment (live link, DVD or other media player, etc.) will the prosecutor need in the trial courtroom?
The prosecutor must make sure that any DVD or other electronic media can be played in the courtroom.
- 4.6 Does the prosecutor presently expect the case to involve a complex, novel or unusual point of law and / or fact? Yes No
This information will help the court officer to list the case effectively.
If so what?
- 4.7 Has the initial duty of disclosure of unused prosecution material been complied with? Yes No
If yes, when?

5 Applications for directions

- 5.1 Does the prosecutor want the court to vary a standard trial preparation time limit? Yes No
If yes, give details:
- 5.2 Does the prosecutor want the court to arrange a discussion of ground rules for questioning? Yes No
If an intermediary is appointed, the court must discuss ground rules with the intermediary and advocates. A discussion may be helpful in other cases.
- 5.3 Does the prosecutor want the court to make any other direction? Yes No
If yes, give details:

Part 3: to be completed by the defendant (or defendant's representative)

6 Advice on plea and absence

Does the defendant understand that:

- (a) he or she will receive credit for a guilty plea? Yes No
A guilty plea may affect the sentence and any order for costs and other financial penalties / charges
- (b) the trial can go ahead even if he or she does not attend? Yes No
CrimPR rule 24.12

7 Partial or different guilty plea

- 7.1 If more than one offence is alleged, does the defendant want to plead guilty to any of them? Yes No N/A
If yes, which offence(s)?
- 7.2 Does the defendant want to plead guilty, but not on the facts alleged? Yes No
If yes, the court must be given a written note of the facts on which the defendant wants to plead guilty.
- 7.3 Does the defendant want to plead guilty, but to a different offence? Yes No
If yes, what offence?

8 Case management information

- 8.1 *Initial details of the prosecution case should have been served: CrimPR rule 8.2. The following statements are to help the court find out what is in dispute and give appropriate directions for trial. Tick as appropriate.*
- The defendant [carried out] [took part in] the conduct alleged Yes No N/A
- The defendant was present at the scene of the offence alleged Yes No N/A
- The defendant was correctly identified Yes No N/A
- The defendant was arrested lawfully Yes No N/A
- [Nature of injury] [extent of loss or damage]
If not agreed, explain what is in dispute: Yes No N/A
- [Fingerprint] [DNA] evidence
If not agreed, explain what is in dispute: Yes No N/A
- [Medical] [identification of drug] [other scientific] evidence
If not agreed, explain what is in dispute: Yes No N/A
- The [alcohol] [drug] testing procedure was carried out correctly
If not agreed, explain what is in dispute: Yes No N/A
- Exhibits and samples were collected and delivered as stated (i.e. continuity)
If not agreed, explain what is in dispute: Yes No N/A
- Defendant's interview [summary] [record] is accurate
If not agreed, explain what is in dispute: Yes No N/A
- The defendant was [disqualified from driving] [subject to the alleged court order] at the time of the offence alleged Yes No N/A
- The list of the defendant's previous convictions is accurate
If not agreed, explain what is in dispute: Yes No N/A
- 8.2 What are the **DISPUTED** issues of fact or law for trial, in addition to any identified in paragraph 8.1? *Give details. This question is to help the court find out what is in dispute and give appropriate directions for trial.* *CrimPR rules 3.2(2)(a), 3.3(1)(a)*

- 8.3 Will the defendant give a defence statement? *Giving a defence statement is voluntary, but if one is given it must include the information collected in paragraphs 8.1 and 8.2 and must include particulars of facts relied on by the defence.* Yes No
- 8.4 Will the defendant need any live link, or DVD or other media player, etc. equipment in the trial courtroom? *The defendant must make sure that any DVD or other electronic media can be played in the courtroom.*
- 8.5 Does the defendant presently expect the case to involve a complex, novel or unusual point of law and / or fact? *This information will help the court officer to list the case effectively.* Yes No
If so what?

9 Admissions

- Can any facts which are not in dispute be recorded in a written admission? Yes No
Undisputed facts might include any statement accepted in paragraph 8.1.
- If yes, a written admission [is set out here] [is attached] [will be served later].
Facts which are admitted are evidence: CrimPR rule 24.6 & Criminal Justice Act 1967, s.10.
- If no, explain why:

10 Applications for directions

- 10.1 Does the defendant want the court to vary a standard trial preparation time limit? Yes No
If yes, give details:
- 10.2 Does the defendant want the court to arrange a ground rules discussion? Yes No
If an intermediary is appointed, the court must discuss ground rules with the intermediary and advocates. A discussion may be helpful in other cases.
- 10.3 Does the defendant want the court to make any other direction? Yes No
If yes, give details:

Parts 2 & 3 continued: additional information

Use this space to record any additional information, or to continue an answer started above:

Part 4: to be completed by the prosecutor, the defendant (or the defendant's representative) and the court

11 Prosecution witnesses. If this information changes, you must tell the court at once: CrimPR rule 1.2(1) & 3.10.

Name of witness	Prosecutor to complete			Defendant to complete What disputed issue in the case makes it necessary for the witness to give evidence in person?	Both parties to complete		For the court		
	Tick if under 18	Interpreter needed? If so, specify language and dialect.	Special or other measures e.g. live link needed? If so, specify.**		Tick if attendance proposed		Tick if live link ordered	Evidence to be read ('R') or time required per witness	
					P	D		EinC	X-exam
1)	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2)	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3)	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
4)	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5)	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
6)	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

12 Expected defence witnesses. If this information changes, you must tell the court at once: CrimPR rule 1.2(1) & 3.10.

Name of witness	Defendant to complete			Why is it necessary for the witness to give evidence in person?	Both parties to complete		For the court		
	Tick if under 18	Interpreter needed? If so, specify language and dialect.	Special or other measures e.g. live link needed? If so, specify.**		Tick if attendance proposed		Tick if live link ordered	Evidence to be read ('R') or time required per witness	
					D	P		EinC	X-exam
1)*	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2)	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3)	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

*If the defendant is likely to give evidence, list him or her as the first expected defence witness. **Special or other measures may include screens, evidence by live link or in private, video recorded interview as evidence, intermediary, breaks in examination or other measures to accommodate disability. They may increase the time needed for the witness. In some cases, the defendant may not be allowed to cross-examine a prosecution witness.

Part 5: record of court's decisions and directions for effective trial

- 13 Directions for trial** *The court must actively manage the case by giving any direction appropriate to the needs of that case as early as possible: CrimPR rule 3.2(3). Complete or delete the following as appropriate*
- 13.1 The prosecutor must serve any further evidence by: (date)
- 13.2 If the initial duty of disclosure has not been complied with, the prosecutor must comply by: (date)
- 13.3 A party who wants to use a DVD or other media, etc. must check before the trial that it can be played in the courtroom.
- 13.4 The court expects only the witnesses listed as attending in Part 4 to give evidence in person and the evidence of other witnesses to be read.
- 13.5 [Witness summons / warrant] [other steps to secure attendance] for witness(es): *insert name(s)* CrimPR Part 17; rule 3.9(3)
- 13.6 Interpretation in the language(s) specified in Part 4 is required for: To be arranged by:
- | | | |
|-------------|-------------------------------------|------------------------------------|
| (defendant) | Court staff | CrimPR rule 3.9(5) |
| (witness) | Prosecutor <input type="checkbox"/> | Defendant <input type="checkbox"/> |
- 13.7 Special or other measure, e.g. live link, are directed for: As specified in:
- | | | |
|-------------|---------------------------------|--|
| (defendant) | Part 4 <input type="checkbox"/> | paragraph 13.11 <input type="checkbox"/> |
| (witness) | Part 4 <input type="checkbox"/> | paragraph 13.11 <input type="checkbox"/> |
| (witness) | Part 4 <input type="checkbox"/> | paragraph 13.11 <input type="checkbox"/> |
- 13.8 The court will discuss ground rules for questioning on: (date)
If an intermediary is appointed for a witness or for the defendant, the court must discuss the ground rules for questioning with the intermediary and the advocates before the witness or defendant gives evidence. Sufficient time must be allowed for this.
- 13.9 The defendant in person may not cross-examine witness(es): *insert name(s)* CrimPR Part 23
 and the court directs cross-examination for that purpose by: *name representative*
- 13.10 Standard trial preparation time limits apply [except] [with these variations]:
- 13.11 Other directions:

14 Arrangements for trial

Date:			
Time:			
Court:		Court category:	
Estimated trial length: hours		
including:	Evidence and submissions: Deliberations and decision:		
	<i>A detailed trial timetable must be considered and attached if necessary: CrimPR rules 3.9 & 3.11</i>		

After the court gives directions for trial, if information about the case changes, or you think another direction is needed, **you must tell the court at once:** CrimPR rules 1.2(1) & 3.10.

Signatures [on the direction of] [court]

Signed: for prosecution

Signed: [defendant] [defendant's solicitor]

Date:

Standard trial preparation time limits

*The court can vary any of these time limits. Time limits marked * are not prescribed by rules or other legislation.*

The total time needed to comply with all these time limits is 6 weeks (9 weeks if paragraph m applies).

Written admissions (Criminal Procedure Rules, r.24.6; Criminal Justice Act 1967, s.10)

- a. The parties must serve any written admissions of agreed facts within **14 days**.*

Defence statement (Criminal Procedure Rules, r.15.4; Criminal Procedure and Investigations Act 1996, s.6)

- b. Any defence statement must be served within **14 days** of the prosecutor complying with the initial duty of disclosure.

Defence witnesses (Criminal Procedure and Investigations Act 1996, s.6C)

- c. Defence witness names, etc. must be notified within **14 days** of the prosecutor complying with the initial duty of disclosure.

Application for disclosure (Criminal Procedure Rules, rr.15.2 & 15.5; Criminal Procedure and Investigations Act 1996, s.8)

- d. The defendant must serve any application for an order for prosecution disclosure as soon as reasonably practicable after the prosecutor complies with the initial duty of disclosure.* *Under s.8 of the Criminal Procedure and Investigations Act 1996, no such application may be made unless a defence statement has been served.*
- e. The prosecutor must serve any representations in response within **14 days after that**.

Witness statements (Criminal Procedure Rules, r.16.4; Criminal Justice Act 1967, s.9)

- f. The defendant must serve any defence witness statement to be read at trial at least **14 days before the trial**.*
- g. Any objection to a witness statement being read at trial must be made within **7 days of service of the statement**. *This does not apply to the statements listed in Part 4.*

Measures to assist a witness or defendant to give evidence (Criminal Procedure Rules, rr.18.3, 18.13, 18.17, 18.22, 18.26)

- h. Any [further] application for special or other measures must be served within **28 days**.
- i. Any representations in response must be served within **14 days after that**.

Cross-examination where defendant not represented (Criminal Procedure Rules, rr.23.2, 23.4)

- j. The defendant must serve notice of any representative appointed to cross-examine within **7 days**.
- k. The prosecutor must serve any application to prohibit cross-examination by the defendant in person as soon as reasonably practicable.
- l. Any representations in response must be served within **14 days after that**.

Expert evidence (Criminal Procedure Rules, rr.19.3, 19.4)

- m. If either party relies on expert evidence, the directions below apply.
- (i) The expert's report must be served within **28 days**.*
 - (ii) A party who wants that expert to attend the trial must give notice within **7 days after (i)**.*
 - (iii) A party who relies on expert evidence in response must serve it within **14 days after (ii)**.*
 - (iv) There must be a meeting of experts under rule 19.6 within **14 days after (iii)**.*
 - (v) The parties must notify the court **immediately after (iv)** if the length of the trial is affected by the outcome of the meeting.*

Hearsay evidence (Criminal Procedure Rules, rr.20.2, 20.3)

- n. The prosecutor must serve any notice to introduce hearsay evidence within **28 days**.
- o. The defendant must serve any notice to introduce hearsay evidence as soon as reasonably practicable.
- p. Any application to determine an objection to hearsay evidence must be served within **14 days of service** of the notice or evidence.

Bad character evidence (Criminal Procedure Rules, rr.21.2, 21.3, 21.4)

- q. The prosecutor must serve any notice to introduce evidence of the defendant's bad character within **28 days**.
- r. Any application to determine an objection to that notice must be served within **14 days after that**.
- s. Any application to introduce evidence of a non-defendant's bad character must be served within **14 days** of prosecution disclosure.
- t. Any notice of objection to that evidence must be served within **14 days after that**.

Previous sexual behaviour evidence (Criminal Procedure Rules, rr.22.2, 22.3, 22.4, 22.5)

- u. The defendant must serve any application for permission to introduce evidence of a complainant's previous sexual behaviour within **28 days** of prosecution disclosure.
- v. The prosecutor must serve any representations in response within **14 days after that**.

Point of law, including abuse of process etc. (Criminal Procedure Rules, rr.3.3, 3.10)

- w. Any skeleton argument must be served at least **14 days before the trial**.*
- x. Any skeleton argument in reply must be served within **7 days after that**.*

Trial readiness (Criminal Procedure Rules, rr.3.3, 3.10)

- y. The parties must certify readiness for trial at least **14 days before the trial**,* confirming which witnesses will give evidence in person and the trial time estimate.

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