

Notice by the Court

The court has EITHER found that a particular defendant/appellant is prohibited by law from cross-examining particular witnesses in person under sections 34 or 35 OR made an order prohibiting the particular defendant/appellant from cross-examining particular witnesses in person under section 36 of the Youth Justice and Criminal Procedure Act 1999
Part 23 Criminal Procedure Rules 2015



The Queen v. _____

Or

In the Appeal of: _____

This is a notice to¹:

Address of defendant/appellant: _____

Telephone number²: _____

Email: _____

**This notice is about the court case
at:** _____

Due for hearing on: _____

Court case number: _____

Court address: _____

You are accused of³: _____

On the date given the court EITHER found that you are prohibited by law from cross-examining particular witnesses in person under sections 34 or 35 OR made an order prohibiting you from cross-examining particular witnesses in person under section 36 of the Youth Justice and Criminal Procedure Act 1999

Date: _____

The particular witnesses are:

1. _____
2. _____
3. _____
4. _____
5. _____

¹ Name of Defendant or Appellant – This notice need be served only on the party affected.

² Provide Telephone and Email contact details if known.

³ List charges by type – no details are required.

To the defendant/appellant

Why have you been sent this notice?

You have been sent this notice because it is believed that you do not have lawyers to represent you and you will be representing yourself in the case. This is called acting “in person”.

What you need to know:

On the date given the court EITHER found that you are prohibited by law from cross-examining the particular witnesses in person under sections 34 or 35 OR made an order prohibiting you from cross-examining the particular witnesses in person under section 36 of the Youth Justice and Criminal Procedure Act 1999.

This means that:

1. You are prohibited from asking the particular witnesses questions yourself. The questions you may want to ask are called “cross-examination”.
2. Therefore any questions you want those witnesses to be asked in cross-examination can only be asked through a lawyer who is qualified to appear in the court.

What are your choices?

You have three choices:

1. You can appoint a lawyer to represent you for the whole of the case; OR
2. You can arrange a lawyer only to cross-examine the particular witnesses on your behalf. If you do this you must inform the court of the name and contact details of that lawyer within 14 days of receiving this notice: OR
3. If you do not want to appoint your own lawyer, or you do not inform the court within 14 days of receiving this notice that you have arranged a lawyer then, if the court considers it to be in the interests of justice, the court may choose to appoint a lawyer to cross-examine the particular witnesses concerned in your interests. If that happens the court will choose the lawyer; that lawyer will not be responsible to you and that lawyer will not play any other part in the case.

What to do next.

1. If you do have lawyers representing you in this case then send this form to them straightaway and they can deal with it for you.
2. If you do not yet have lawyers representing you then you must fill out Part 1 of this form and send it to the court at the address above.
3. This is your opportunity to tell the court what you want to happen.
4. You must send in your response to the court to arrive no more than 14 days after this notice is served on you.

Part 1 - To be completed by the defendant/appellant (or by his lawyers)

If you have already appointed lawyers to represent you they should provide their contact information:

Name of firm:

Address:

Telephone:

Email:

Person to contact about this case or
Case Progression Officer:

We confirm that the defendant/appellant has instructed us to represent him in the case.

Details of funding – Mark a box

- Privately funded;
- Legal Representation Order applied for;
- Legal Representation Order granted.

If you have NOT already appointed lawyers to represent you then you must fill out the rest of this form and return it to the court within 14 days. If the form has not been received in that time the court may make orders without knowing what you think.

Please confirm your contact details:

Your address:

Your telephone number:

Your email:

What is your choice?

Mark a box

I will be arranging a lawyer to represent me for the whole case and provide the lawyer's contact information below:

Or

I will be arranging a lawyer to cross-examine the particular witnesses and provide the lawyer's contact information below:

Or

I will NOT be arranging a lawyer and understand that the court will decide if it is in the interests of justice to appoint a lawyer to cross-examine witnesses in my interests but that lawyer is not responsible to me and will cease to be involved when the questioning of that witness ends:

If you have said that you will be arranging a lawyer to represent you for the whole case OR just for the cross-examination of the particular witnesses you must give the contact information below:

Name of firm:

Address:

Telephone:

Email:

Person to contact about this case: _____

Please sign and date the form:

Signed: _____

Dated: _____

 **You must now send a copy of this form to the court to arrive within 14 days after it was served on you.**

PART 2 – Court Decision

HHJ/DJ/JP _____

Date: _____

The court is satisfied that the defendant/appellant has arranged legal representation for the case as a whole

Or

The court is satisfied that the defendant/appellant has arranged for an advocate to cross-examine the particular witnesses and provided contact details

Or

The defendant/appellant has either stated that s/he does not wish to arrange for an advocate OR has not given notice either way:

If the defendant/appellant has not elected to arrange representation the court has considered whether it is necessary in the interests of justice for the witness(es) to be cross-examined by an advocate appointed to represent the defendant/appellant's interests and concluded:

It is not necessary to appoint such an advocate:

Or

It is necessary to appoint such an advocate and it is directed that:

1. Within 7 days court to arrange for the appointment of an advocate and notify the defendant/appellant AND the prosecutor AND the Witness Care Unit;
2. Within 7 days after that the prosecutor is to provide to the appointed advocate copies of the served statements in the case and any record of interview of the defendant⁴;
3. The appointment of the advocate will terminate at the conclusion of the cross-examination of the last particular witness.
4. [Other]

⁴ The court will want to consider what else may need to be served in the particular case, either by the prosecutor or from the court file.

PART 3 – Court action – To be completed by the court office

Notice of appointment sent out: Date: Staff Member:

Details of advocate appointed if not recorded on a Notice of Appointment:

Staff Member: Date:

Advocate appointed:

Date of appointment:

Address:

Telephone:

Email:

Date of notification to the
defendant/appellant AND to the
Prosecutor and Witness Care Unit:

Notes:

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END.