

Notice by the Court of appointment of an advocate

Where the defendant/appellant is prohibited in law or by order of the court from cross-examining particular witnesses in person.

Sections 34, 35 & 36 of the Youth Justice and Criminal Evidence Act 1999
Part 23 Criminal Procedure Rules 2015



The Queen v. _____

Or

In the Appeal of: _____

This is a notice to the appointed advocate and to all parties:

This notice is about the court case at the: _____

Due for hearing on: _____

Court case number: _____

Court address: _____

It concerns the particular defendant/appellant named: _____

On the date given the court EITHER found that the particular defendant/appellant was 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

Date: _____

The particular witnesses are:

Witnesses:

- 1.
- 2.
- 3.
- 4.
- 5.

The particular defendant/appellant has not informed the court that s/he will be appointing an advocate to cross-examine those particular witnesses and therefore the court has decided to appoint an advocate to cross-examine the particular witnesses in the interests of the accused. That appointment will cease at the conclusion of the cross-examination of the last particular witness.

The details of the advocate appointed are set out below:

Name of advocate appointed:

Date of appointment:

Address:

Telephone:

Email:

TO THE APPOINTED ADVOCATE:

You have been appointed under s.38(4) of the Youth Justice and Criminal Evidence Act 1999 to undertake on behalf of the court the cross-examination of the particular witness(es) named above.

1. You have been instructed personally and if you are no longer able to accept these instructions you must notify the court so that an alternative appointment can be made;
2. Reasonable costs for preparation and advocacy will be met from central funds in accordance with the relevant regulations together with such other expenses and disbursements as are allowed under those regulations. **ONLY** preparation work for the cross-examination of the particular witness(es) will be covered.
3. You are appointed by the court to cross-examine the particular witness(es) only. You may not act for the defendant (appellant) without the consent of the court. If the court agrees to you acting for the defendant (appellant) you may not recover costs for so doing from the court, central funds or the defendant (appellant).
4. You are not responsible to the defendant (appellant) but you should contact the defendant (appellant) to identify the issues in the case so that you can prepare the cross-examination. The prosecutor (respondent) has been ordered to provide you with the served statements in the case and any record of interview of the defendant (appellant).
5. Any claim for costs must be submitted to the regional office of the National Taxing Team **within 3 months**. (Claims sent to the court will be rejected).

TO THE PROSECUTOR (RESPONDENT)

The court has directed that the prosecutor:

1. Within 7 days provide to the appointed advocate copies of the served statements in the case and any record of interview of the defendant/appellant;
2. [Other]

Notice Dated:

This form to be sent to:
The appointed advocate
The defendant/appellant
The prosecutor/respondent
Witness Care Unit