

PRACTICE DIRECTION

No 1 of 1989

To : All Magistrates

All Practitioners

Officer I/c Prosecutions

Committal to Supreme Court.

There have been serious delays in some criminal cases both before and after completion of the Preliminary Inquiry. To avoid these the following procedure should be adopted with immediate effect.

1. It is the responsibility of Magistrates to ensure that cases are processed and the Preliminary Inquiry heard without undue delay. On every occasion when an Accused person is brought to the Magistrates' Court the Magistrate will enquire into the progress of the investigation and will seek to set a date for the Preliminary Inquiry. If he considers that there has been undue delay he should refer the matter to a Judge.

2. As soon as possible after completion of the Preliminary Inquiry, 3 sets of depositions will be prepared, plus an extra copy for each Accused. A copy of each documentary exhibit must be attached to each set of depositions.

3. One copy of the depositions will be retained in the Magistrates' Court for witnesses to sign the record of their evidence. They should be required to do this as soon as possible, but this must not delay submission of the remaining documents to the Supreme Court.

4. All other copies of the depositions, together with the original documentary exhibits, will be sent to the Registrar of the Supreme Court as soon as the Preliminary Inquiry has been completed.

5. When all witnesses have signed the record of their evidence, the signed depositions will also be forwarded to the Registrar of the Supreme Court.

6. When the first depositions are received in the Supreme Court they will be immediately placed before a Judge who will fix a date for directions to be given in chambers.

7. Notice of the appointment for directions, together with a copy of the depositions, will be served by the Court on Crown Law and personally on each Accused, or on his lawyer if a lawyer notifies the Court that he has agreed to act for the Accused.

8. If a lawyer agrees to act for any Accused all further notices and documents will be served on him/her and he/she will be responsible for ensuring that the Accused attends at court when required.

Dated 17th March 1989

R.M. Webster

Judge of the Supreme Court

C. Colman

Chief Justice