

THE COMMITTAL PROCEEDINGS ACT

RULES
(*under section 16*)

The Committal Proceedings Rules, 2016

L.N. 203B/2016

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(Made by the Rules Committee and approved by the Minister on the
1st day of January, 2016)

L.N. 162B/2016

1. These Regulations may be cited as the Committal Proceedings Rules, 2016.

Citation.

2. These rules shall be effective from the date notified by the Minister to bring the Committal Proceedings Act, 2013 into operation.

Effective Date.

3. In these Rules—

“committable offence” means an indictable offence in relation to which committal proceedings may be brought as provided in this Act;

Interpretation.

“examining justice” means the Resident Magistrate sitting an Examining Justice in a Court of Petty Sessions under section 2 of the Act;

“preliminary report” means a report drafted for the purpose set out in Rule 6;

“prosecution” includes all prosecution agencies, the police, and any agency which works under the auspices of those bodies.

4.—(1) The overriding objective of these Rules is to ensure that committal proceedings proceed as swiftly as is reasonably possible, and consistent with a fair and just process.

The overriding objective.

(2) All parties are expected to assist the Resident Magistrate in achieving the overriding objective of these Rules, in particular by avoiding inefficiency and unnecessary delay.

(3) Any deficiency on the part of the prosecution in providing material shall be regarded as a deficiency in the prosecutorial process.

(4) Subject to paragraph (5), persons remanded in custody shall be entitled to have their cases dealt with as expeditiously as is reasonably possible.

(5) The Resident Magistrate shall take into account the following matters when setting a timetable and resolving any application for an adjournment—

(a) the fact that an accused person is remanded in custody; and

(b) the needs of witnesses, particularly vulnerable witnesses and the effect of any delay upon those witnesses.

(6) Notwithstanding the powers of the Resident Magistrate contained herein, it shall also be part of the overriding objective that cases should not be subject to substantial delay, after committal.

(7) It is an important element in achieving the overriding objective that the case file shall be substantially complete, by the time of the committal proceedings.

Duty of
prosecution
to provide
Preliminary
Report.

Purpose of
Preliminary
Report.

5. At the first hearing of a person charged with a committable offence, the Prosecution shall, for the purposes set out in Rule 6, make available to the Court and the defence a Preliminary Report.

6. The purpose of the Preliminary Report is to enable—

- (a) the Resident Magistrate to—
 - (i) make a decision, where appropriate, whether to accept jurisdiction and try the case in the Resident Magistrate's Court or to hold committal proceedings to ascertain whether there is a case to answer;
 - (ii) set a realistic timetable for the preparation of committal proceedings; and
- (b) the accused person or his attorney-at-law to have sufficient information to make submissions about the timetable.

Content of
Preliminary
Report.

7. The Preliminary Report shall contain the following information—

- (a) the name and date of birth of the accused person;
- (b) a list of the charges which the accused person faces in the current proceedings before the Resident Magistrate;
- (c) a summary of the evidence currently in the hands of the prosecution, in sufficient detail for the defence and the Resident Magistrate to appreciate the main facts of the case, the number of witnesses and the number of exhibits;
- (d) any features of the case which the prosecution contend are aggravating features;
- (e) details of any vulnerable witnesses (or defendant);
- (f) a statement of the work still to be undertaken in preparing the case;
- (g) any third party disclosure, including medical certificates, which has been sought and the date upon which it was sought;
- (h) an indication of likely issues in the case, if practicable to provide this information;

- (i) a realistic time estimate for the prosecution to be in a position to serve all statements and exhibits upon which the prosecution proposes to rely, for the purpose of committal proceedings; and
- (j) where appropriate, any submission about the appropriate venue for trial.

8. Any issue which the prosecution has with regard to disclosure of information to the defence shall be subject to the usual rules regarding Public Interest Immunity and shall be for the Resident Magistrate to resolve. This rule shall be applicable to the Preliminary Report.

Disclosure
Issues.

9.—(1) If possible, the Preliminary Report shall be served on both the Resident Magistrate and the accused person or his Attorney-at-Law by 4:00 p.m. on the day before the first court appearance.

Service of
Preliminary
Reprt.

(2) Service can be undertaken personally or by e-mail, facsimile or any appropriate means of service.

(3) Where it is not reasonably possible to serve the Preliminary Report as set out in section 9(1) above, it shall be made available to the Court, the accused person or his Attorney-at-Law, not less than 30 minutes before the time at which the Resident Magistrate will commence sitting on the day of the hearing.

(4) Service of the report shall not occur unless the report has been approved by the Prosecutor, Crown Counsel or the equivalent.

10.—(1) The Resident Magistrate shall not proceed without a Preliminary Report.

Failure to
serve
Preliminary
Report.

(2) In the event of a failure to serve a Preliminary Report, the Resident Magistrate shall make one of the following decisions—

- (a) require the prosecution, if such is reasonably practical, to prepare a Preliminary Report in Court and serve the Preliminary Report on the Resident Magistrate and the accused person or his Attorney-at-Law;
- (b) grant an adjournment of up to 14 days for the report to be prepared and served;
- (c) if the parties agree, in exceptional circumstances, to permit the prosecution to give an oral summary of the matters set out in Rule 7;
- (d) if either or both parties disagree, but the Resident Magistrate considers that, in the interests of justice the matter can, in exceptional circumstances, proceed by way of an oral summary, to permit (or require) the prosecution to give an oral summary of the matters set out in Rule 7; or
- (e) discharge the accused for the want of prosecution.

(3) In making a decision under paragraph (2)(d) the Resident Magistrate shall consider—

- (a) the complexity of the case;
- (b) the risk of prejudice to either side; and
- (c) the interests of justice.

(4) The discharge of an accused person for want of prosecution under paragraph (2)(e) shall not preclude the prosecution from re-charging at a later date.

(5) Nothing in these Rules affects the jurisdiction of the Resident Magistrate or Examining Justice in cases of abuse of process.

11. Upon service of a Preliminary Report, the Resident Magistrate shall—

- (a) ensure that the accused person or his Attorney-at-Law have had an opportunity to consider the Preliminary Report;
- (b) where appropriate, make a decision about whether or not to accept jurisdiction;
- (c) set a timetable for the preparation and service of an original committal bundle and copy committal bundles upon the court and the accused person or his Attorney-at-Law;
- (d) on the assumption that the committal proceedings will be short form “paper committal” proceedings (no oral evidence) fix a date for committal proceedings to take place.

12.—(1) Subject to paragraph (2), the decision whether to accept or refuse jurisdiction is a judicial decision for the Resident Magistrate.

(2) In reaching his decision, the Resident Magistrate shall apply the following guidelines, or state specifically that he has not done so and give brief reasons why.

(3) The Resident Magistrate shall accept jurisdiction unless at least one of the following apply—

- (a) the offence is one which shall be tried in the Circuit Court;
- (b) the offence (or combination of offences) upon which the accused person stands charged is so serious that the sentencing powers of the Resident Magistrate, upon conviction after trial, would be inadequate to reflect that seriousness;
- (c) the case is one of such complexity, seriousness or high public interest that it is appropriate for it to be tried in the Circuit Court;

Powers of Magistrate upon service of a Preliminary Report.

Acceptance or refusal of jurisdiction,

- (d) circumstances exist which mean that it is in the interests of justice for the case to be tried in the Circuit Court.

(4) Where the Resident Magistrate has applied the guidelines and reached the decision to refuse jurisdiction, he should state which of the grounds he considers applicable to the case and, where practicable, state very briefly, why he has reached that conclusion.

13.—(1) The purpose of committal proceedings is for the Court to be satisfied that there is a *prima facie* case.

Purpose of
committal
proceedings.

(2) Committal proceedings shall not be conducted in a manner that gives a party to the proceedings an opportunity to test the witnesses; and except where there are substantial flaws in the evidence of prosecution witnesses, issues of witness credibility are for the ultimate tribunal of fact to resolve at trial.

14.—(1) Subject to these Rules, for the purposes of committal proceedings, the prosecution shall be obliged to place before the Court evidence sufficient to establish that there is a *prima facie* case against the accused person and it is not necessary for the prosecution to be “trial ready” at this stage.

Duty of
prosecution.
Date.

(2) Notwithstanding that it is part of the overriding objective that the file shall be substantially complete by the time of committal, the Examining Justice may permit or require committal proceedings to take place where the prosecution have not completed their file and material remains outstanding where he considers it in the interests of justice to do so.

(3) In exercising his discretion to permit or require the prosecution to proceed, the Examining Justice shall take into account—

- (a) the complexity of the case;
- (b) the nature of the outstanding material and, in particular, whether it could have any realistic effect on the outcome of the committal proceedings, given the issues which need to be resolved;
- (c) the amount of time which is required before the material will become available and the efforts which have been already been made to obtain the material;
- (d) the extent of the prejudice to either side if the material is not obtained;
- (e) the extent of the prejudice to either side if the matter is delayed;
- (f) the conduct of the parties, with regard to the obtaining of the material;
- (g) the attitude of the parties; and

(h) such other matter as he considers appropriate.

(4) Where the prosecution and the defence agree about the relevance and importance of the unavailable material to the issue of committal, the Examining Justice shall regard this as a significant matter.

(5) While the seriousness of the allegations is a relevant matter, the expectation is that such cases require greater expedition and effort to be ready on time.

(6) The mere fact that a case is serious shall not, of itself, be a definitive matter.

15. Committal proceedings shall be adversarial in nature.

16. The Examining Justice shall decide the issue of whether to commit solely on the basis of the committal bundle, exhibits produced, and any oral evidence that is adduced before him.

17.—(1) Subject to paragraph (2), the prosecution shall prepare the file and make submissions to the Examining Justice as to its completeness.

(2) At no time shall any Resident Magistrate or Examining Justice inspect a file for the purposes of indicating whether or not the file is complete, nor shall he decide or direct whether a file is complete.

18. The original committal bundle shall contain the following—

- (a) the original information which is the subject matter of the proceedings;
- (b) a list of witnesses whose statements are relied upon by the prosecution for the purposes of establishing a *prima facie* case against the accused person;
- (c) any dates upon which witnesses are not available for attendance at Court for committal proceedings, if required;
- (d) the original signed statement of each of the witnesses listed at (b) above;
- (e) a list of the exhibits upon which the prosecution seek to rely for the purposes of establishing a *prima facie* case against the accused person; and
- (f) a copy of the exhibit, if documentary (the original being available for production during committal proceedings).
- (g) any notice pursuant to section 6(5)(b) of the Act.

19.—(1) A copy committal bundle will contain the following—

- (a) a copy of the original information which is the subject matter of the proceedings;

Committal proceedings to be adversarial. Decision whether to commit.

Completion of files.

Content of original committal bundle.

Content of copy committal bundle.

- (b) a copy of each of the witness statements included in the original bundle;
- (c) a copy of the list of witnesses whose statements are relied on, stating the pages in the bundle at which the each statement is to be found;
- (d) a copy of each of the exhibits relied upon pursuant to Rule 18(f);
- (e) a copy of the list of exhibits that are relied upon; and
- (f) any notice pursuant to section 6(5)(b) of the Act.

(2) A copy committal bundle shall be paginated sequentially.

(3) A copy committal bundle shall contain an index of pages in the bundle at which each exhibit is to be found (or stating, in terms, if the exhibit has not been copied and included in the bundle).

(4) The copy statements shall not disclose the address and dates of birth of any witness unless the address and the dates of birth is relevant to the charge and is included in the body of the statement.

20.—(1) At the hearing at which the Preliminary Report is submitted, the Resident Magistrate shall fix a date for the service of committal bundles and for a committal hearing.

Setting a timetable for committal proceedings.

(2) In setting a timetable, the Resident Magistrate shall have regard to the guidelines set out in Rule 21.

(3) Where the Resident Magistrate fails to have regard to the guidelines, the Resident Magistrate shall state the reasons why the guidelines are not followed.

21.—(1) Unless expressly stated by the Resident Magistrate not to apply, each of these guidelines applies in any particular case.

Guidelines.

(2) Except in complex cases and exceptional circumstances or unless otherwise directed by the Court, the prosecution shall prepare and serve on the Court, not later than sixty calendar days from the hearing at which the Preliminary Report was served, an original and a copy committal bundle.

(3) At the same time as a bundle is served upon the Court, a copy bundle shall be served on the accused person or his Attorney-at Law.

(4) Where the accused person is not represented by an Attorney-at-Law, the Resident Magistrate shall be entitled to require the accused person to attend Court for the purposes of receiving this bundle.

(5) A hearing will take place as soon as reasonably practicable and not later than sixty calendar days after the date for service of the bundles.

(6) Unless, in the opinion of the Resident Magistrate, it is not practicable so to do, the date shall be fixed by the Resident Magistrate at the time he sets out the timetable as described in Rule 20.

(7) In this situation, the Resident Magistrate shall fix a date for the parties to attend (after the service of the committal bundle) for the purposes of fixing a date and identifying the length of the hearing.

(8) It will be assumed that, at this hearing, if all rules relating to service of papers have been complied with, the Resident Magistrate shall conduct committal proceedings based solely on the documents in the bundle, pursuant to his powers in section 3(2) of the Act without any oral evidence being placed before him by any party.

Notification
and conduct
of mention
hearing.

22.—(1) If any of the circumstances set out in paragraph (2) apply, it will be the obligation of the party affected, as soon as that party realizes that it is necessary, to notify the Court and the other parties of the need for a mention hearing before the Resident Magistrate.

(2) The circumstances are—

- (a) the prosecution realizes before the expiry of sixty calendar days from the service of the Preliminary Report (or such other time as has been directed by the Resident Magistrate) that the party will be unable to comply with the time limit for serving the original and copy committal bundles;
- (b) the prosecution fails to serve the original and copy committal bundles after the expiry of sixty days from the service of the Preliminary Report;
- (c) upon receiving the copy committal bundle, either party wishes to apply for oral testimony to be given at the committal hearing.

(3) A mention hearing shall be fixed administratively by the Court and the date notified to the parties.

(4) In circumstances where Rule 22(2)(a) or (b) applies the Resident Magistrate may—

- (a) set a new timetable for service of material and dates for hearings;
- (b) enforce compliance, as closely as possible with the current timetable; and/or
- (c) apply any of the sanctions set out in Rule 24.

(5) At the mention hearing, for the purposes of making an application for a witness to give oral testimony, the party shall be prepared to explain which witness(es) the party wishes to give oral evidence and, in general terms, the reasons for such an application.

(6) The Resident Magistrate shall not accede to such a request if he is sure that the witness can have no bearing on the issues before the court.

(7) The parties shall be in a position to assist the court with witness availability and a realistic time estimate for the hearing.

(8) The Resident Magistrate shall set a date for the committal proceedings consistent with the requirements of the overriding objective.

23. Where the Resident Magistrate considers it appropriate, either as a means of furthering the overriding objective or in the interests of justice, he may, at the time of the decision as to jurisdiction, fix date for mention with a view to ensuring compliance by each party with the obligations set out in Rules 21 and 22.

Power of Resident Magistrate to fix mention dates.

24.—(1) If the prosecution fails to serve material as required by these Rules, the Resident Magistrate or Examining Justice, should he decline either to adjourn the hearing or set a new timetable or otherwise excuse the failure, may in the interests of justice do one of the following—

Sanctions for non-compliance.

- (a) rule inadmissible for the purposes of committal proceedings only, any material which has not yet been served;
- (b) decline to hear oral testimony from a witness whom the prosecution wishes to give such evidence;
- (c) discharge the accused person for want of prosecution.

(2) A discharge shall not preclude the prosecution from re-charging at a later date.

(3) Nothing in these Rules affects the jurisdiction of a Resident Magistrate or Examining Justice in cases of abuse of process.

25. If the prosecution, or accused person or his Attorney-at-Law, fails to notify the Court of the wish to have a witness give oral evidence, the Resident Magistrate or Examining Justice may—

Adjournments.

- (a) decline to adjourn the proceedings for the purposes of that witness being available to give such evidence and proceed on his statement;
- or
- (b) if the interests of justice so require, adjourn the proceedings to a new date for the evidence to be taken orally.

26.—(1) Where the committal proceedings are conducted without any oral evidence, the following procedure shall be followed—

Committal proceedings conducted without oral evidence.

- (a) the prosecution shall set out the charges upon which they seek committal;

- (b) except where both prosecution and defence agree that the statement can be summarized, the prosecution may read out each statement;
 - (c) the Examining Justice (or the clerk of courts) will ensure that the original statement for each witness has been properly signed and dated by them or, where the defendant is represented and the parties agree, the Examining Justice may read the statements and exhibits privately and confirm, in open court, which statements and exhibits he has read.
- (2) Where the Examining Justice acts in accordance with paragraph (1) he shall confirm, in open court, that each statement complies with the formalities required by section 6 of the Act.
- (3) Each witness statement, document or exhibit tendered in accordance with section 6 of the Act shall be signed by the Examining Justice presiding over the committal proceedings.
- (4) Either party may request that one or more statements be read out in open court, even if the rest of the bundle is read privately by the Examining Justice.
- (5) Once it has been confirmed that the formalities have been properly observed and the statement has been read, the Examining Justice will state, in open court, that this statement is admitted into evidence and, if the case is committed, that the witness is required to attend the trial at a date and time to be notified to them by the Court, unless notified to the contrary.
- (6) If a statement is not admissible by reason of its failure to satisfy the formalities of the Act, the Examining Justice will decline to admit the evidence in its current form.
- (7) The prosecution or defence may—
- (a) apply to adjourn for the formalities to be rectified (which application the Examining Justice may allow or adjourn in his discretion);
 - (b) ask the Examining Justice to allow the witness to give oral evidence (which he may permit, if no injustice will follow); or
 - (c) choose to continue without the evidence of that witness.
- (8) At the end of all of the prosecution evidence, the Examining Justice, of his own motion, may require the prosecution to show why there is a case to answer.
- (9) The accused person is entitled to submit that there is no case for him to answer.

(10) Following submissions from both parties, the Examining Justice shall decide whether there is a *prima facie* case and if, in his judgment, there is not a *prima facie* case, he shall—

- (a) announce so in open court, giving brief reasons for his decision; and
- (b) discharge the accused person.

(11) If the Examining Justice finds that a *prima facie* case has been made out, he will ask the accused person or his Attorney-at-Law which of his options under section 5(1) of the Act he wishes to exercise.

(12) If the accused person is not represented by an Attorney-at-Law, the Examining Justice shall—

- (a) explain each option to the accused person and the effect of section 5(3) of the Act; and
- (b) consider any application to adduce defensive evidence pursuant to section 4 of the Act and, if granted, permit that person to give evidence.

(13) A statement may be adduced on behalf of the defence, in the usual way, if all formalities are satisfied and the prosecution does not wish to apply for the witness to be present in court for cross-examination.

(14) If the defence does not seek to adduce any evidence at the proceedings the Examining Justice will act in accordance with subsection 15 below.

(15) If the defence have adduced evidence, at the close of all the evidence the Examining Justice will invite them to make any further submission as to whether there is a *prima facie* case.

(16) If the Examining Justice finds that a *prima facie* case has been made out on any charge, the Examining Justice will commit the accused person for trial on the charge and issue the standard directions for cases committed to Circuit Court as set out in Annex A.

(17) The Examining Justice may commit on the charges on the information and/or any other charge in respect of which a *prima facie* case is made out.

(18) The Court shall issue a Certificate of Committal to the Circuit Court which shall be signed by the Examining Justice.

(19) The Certificate of Committal to the Circuit Court shall contain the following information—

- (a) the date of the proceedings;

- (b) the name of the committing Court and the Examining Justice;
- (c) the name of accused person;
- (d) the date of birth of the accused person;
- (e) the address of the accused person;
- (f) that no witnesses gave oral evidence;
- (g) the charges upon which committed;
- (h) the venue of Circuit Court to which committed;
- (i) any date set for first hearing in Circuit Court;
- (j) confirmation that standard directions were served on each party;
- (k) whether the accused person was remanded on bail or in custody; and
- (l) the name of the individual assigned or designated to take charge of the exhibits, in accordance with section 10(2) of the Act.

27.—(1) Where the committal proceedings are conducted with oral evidence, the following procedure shall be followed—

- (a) the prosecution shall set out the charges upon which it seeks committal;
- (b) the prosecution will call such witnesses who are to give oral evidence;
- (c) the witness will be sworn or affirmed and be examined in chief by the prosecution;
- (d)
 - (i) it shall be permissible, if both sides and the Examining Justice agree and the conditions in subsection (ii) apply for the witness statement of the witness to stand as his evidence in chief for the purposes of the committal proceedings only;
 - (ii) the conditions referred to in (i) above are that the original statement is available in court and that the witness confirms that it is his statement, the contents of it are true to the best of his knowledge and belief and that the signature upon the statement is his own;
- (e) the witness may be cross-examined by or on behalf of the accused person;

Committal proceedings conducted with oral evidence.

- (f) the prosecution may re-examine; and
- (g) the Examining Justice may ask questions at any stage.

(2) A verbatim record of the evidence shall be kept by the Examining Justice.

(3) If the verbatim record of the evidence is written or typed, then, once the witness has completed his evidence, or at the end of each court day if his evidence lasts longer than one day, the Clerk of Courts shall read his evidence out aloud to the witness.

(4) The witness shall be asked to verify that the evidence is an accurate record of what was said by him. Any additional comments or corrections shall be recorded at the end of the evidence.

(5) The witness shall then confirm his agreement that the evidence is true and accurate by signing and dating all pages. The signed document shall become the deposition of the witness.

(6) The Examining Justice shall inform the witness that, if the accused person is committed for trial in the Circuit Court, he shall be required to attend the trial to give evidence at such time as the Court shall direct.

(7) The Court shall copy and provide each party with a copy of the deposition within 28 days of committal.

(8) If the evidence of the witness is recorded by means of a recording device, the Court shall be responsible for arranging for the recording to be transcribed.

(9) A copy of the transcript shall be provided to each party as soon as is reasonably practicable and, in any event, within 90 days of committal.

(10) All original depositions and tapes shall be sent to the Circuit Court upon committal.

(11) This process will be followed for each witness who gives oral evidence (*mutatis mutandis* if the witness is called by the defence).

(12) For any statement which is being admitted into evidence without oral evidence being given, the procedure at rule 26(1)(b) or rule 26(1)(c) shall be followed.

(13) Where the Examining Justice acts in accordance with paragraph 12, he shall confirm in open court that each statement complies with the formalities required by section 6 of the Act.

(14) Each witness statement, document or exhibit tendered in accordance with section 6 of the Act shall be signed by the Examining Justice presiding over the committal proceedings.

(15) If the statement is not admissible by reason of its failure to satisfy the formalities of the Act, the Examining Justice presiding over the committal proceedings.

(16) Once it has been confirmed that all formalities have been properly observed and the statement has been read, the Examining Justice will state, in open court, that this statement is admitted into evidence.

(17) The Examining Justice shall also direct that, if the accused person is committed, the witness shall be required to attend the trial in the Circuit Court at such time as the Court shall direct, unless notified to the contrary.

(18) At the end of all of the prosecution evidence, the Examining Justice, of his own motion, may require the prosecution to show why there is a case to answer and the accused person will be entitled to submit that there is no case for him to answer.

(19) Following submissions, from both parties the Examining Justice will decide whether there is a *prima facie* case.

(20) If, in his judgment, there is no *prima facie* case, the Examining Justice shall announce in open court that a *prima facie* case has not been made out against the accused person giving brief reasons for his decision and discharge the accused person.

(21) If the Examining Justice finds there is a *prima facie* case, he will ask the accused person or his Attorney-at-Law which of the options under section 5(1) of the Act he wishes to exercise.

(22) If the accused person is not represented by an Attorney-at-Law, the Examining Justice shall—

- (a) explain each option to the accused person and the effect of section 5(3) of the Act; and
- (b) consider any application to adduce defence evidence pursuant to section 4 of the Act and, if granted, permit that person to give evidence.

(23) A statement may be adduced on behalf of the defence, in the usual way, if all formalities are satisfied and the prosecution does not wish to apply for the witness to be present in court for cross-examination.

(24) If the defence has adduced evidence at the close of all the evidence the Examining Justice will invite the parties to make any further submission as to whether there is a *prima facie* case.

(25) If the accused person does not adduce any evidence, the Examining Justice shall proceed to paragraph 26.

(26) If the Examining Justice finds a *prima facie* case on any charge, he shall commit the accused person for trial on those charges and issue the standard directions for cases committed to the Circuit Court.

(27) The Court shall issue a certificate to be known as the “Certificate of Committal to the Circuit Court” which is signed by the Examining Justice and contains the following information—

- (a) the date of proceedings;
- (b) the name of the Court and Examining Justice;
- (c) the name of the accused person;
- (d) the date of birth of the accused person;
- (e) the address of the accused person;
- (f) that witnesses (who are named) gave oral evidence and whether they signed a written deposition of their evidence or whether there is a recording, a transcript of which will be made available to the parties and the Circuit Court within twenty-one days (or such other time limit as the Examining Justice shall indicate) of the committal proceeding;
- (g) the charges upon which the accused person was committed;
- (h) venue of Circuit Court to which committed;
- (i) any date set for first hearing in Circuit Court;
- (j) confirmation that standard directions were served on each party;
- (k) whether the accused person was remanded on bail or in custody; and
- (l) the name of the individual assigned or designated to take charge of the exhibits, in accordance with section 10(2) of the Act.

28.—(1) The Chief Justice may issue directions, including the directions set out in paragraph (2), hereinafter called “standard directions”, to enable cases to progress smoothly and swiftly to the Circuit Court, without unnecessary delay in accordance with the overriding objective.

Chief Justice
may issue
standard
directions.

(2) The standard directions shall be in the form set out in Annex B and include the following requirements—

- (a) the prosecution shall serve a trial indictment and paginated trial bundle of statements and exhibits upon the accused person and the court within 42 days of committal;
- (b) any disclosable material in the possession of the prosecution, other than that set out in paragraph (a) shall be served on the accused person (and the court, if relevant) within 60 days of committal;

- (c) any proposed editing of the question answer records by the defence shall be served upon the prosecution within 30 days of receipt of the record;
- (d) unless the defence requests an expedited hearing in the Circuit Court in which case an earlier date shall be set by the Examining Justice, the first appearance at the higher court will take place on a date not more than ninety days after committal, in the case of custody cases and one hundred and twenty days in the bail cases, where practicable, the date will be given at the time of committal.

(3) Standard directions shall be served on each party at the conclusion of committal proceedings where committal has taken place.

(4) Any standard directions shall cease to have effect once the case is heard, for the first time, in the higher court.

Jurisdiction.

29.—(1) Once a committal has taken place, including the giving of directions which shall take place immediately after committal, the Examining Justice shall cease to have jurisdiction over the case, except where there is later substitution of lesser charges in the Circuit Court and the case is remitted to the Examining Justice.

(2) Nothing in these Rules shall affect the jurisdiction of the Examining Justice in relation to bail during the period between committal and first appearance in the higher court.

Duty of Examining Justice to explain Rules to accused person.

30. Where an accused person is not represented by an Attorney-at-Law, the Examining Justice shall explain the effect of the relevant rules to the accused person and afford the person reasonable time to make decisions or comply with the rules.

ANNEX A (RULE 25)

Committal Certificate

Name of Court

Before (Name of Examining Justice)

Name of Accused

Address

Date of Birth

Was today committed, on bail/in custody *to stand trial at (name of Circuit Court venue)

On (Date)

On the following charges (list below/see Annex attached*)

No witnesses/the following witnesses* gave oral evidence

Standard directions were served upon the parties

The exhibits were entrusted to (name of assigned or designated person)

Signed (Examining Justice)

Date of committal proceedings

NB:*=Delete as appropriate

ANNEX B (RULE 25)

Standard Directions

NAME OF ACCUSED

COMMITTED TO

The directions listed below are given under the Committal Proceedings Rules, 2016 by the Chief Justice:

1. The prosecution shall serve a trial indictment and paginated trial bundle of statements and exhibits on the accused person and the court within 42 days of committal.
2. All disclosable material in the hands of the prosecution, other than that set out in paragraph 1 shall be served on the accused person (and the court, if relevant) within 60 days of committal.
3. Any proposed editing of question and answer records by the defence shall be served upon the prosecution within 30 days of receipt of the record.
4. The accused person requested/did not request an expedited hearing in the court to which he/she has been committed.
5. The provisional date for the first hearing in the Circuit Court
is _____

(This may be altered by the listing officer of the Circuit Court).

THESE STANDARDS DIRECTIONS SHALL CEASE TO HAVE EFFECT ONCE THE ACCUSED HAS APPEARED BEFORE THE CIRCUIT COURT FOR THE FIRST TIME.