



Magistrate's Court of Jersey

Practice Directions – MC 23/02 – Criminal Procedure

These Practice Directions are issued by the Magistrate under Article 113 Criminal Procedure (Jersey) Law 2018 [“the Law”] and shall come into force on 06 February 2023. They are to be read together with the Law and the Criminal Procedure (Jersey) Rules 2021 [“the Rules”].

The overriding objective of the Law is to ensure that cases in criminal proceedings are dealt with justly. Dealing with cases justly includes acquitting the innocent and convicting the guilty, recognising the rights of the defendant, particularly the right to a fair trial, and dealing with cases efficiently and expeditiously.

It is the duty of all participants in criminal proceedings to prepare and conduct cases in accordance with the overriding objective and to comply with the relevant procedures. The Law, the Rules and these Practice Directions are the relevant procedures in the Magistrate's Court.

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1 Case Management and the duties of participants and parties

- 1.1** All participants are reminded of their duties under Article 4 to:
- a) prepare and conduct the case in accordance with the overriding objective;
 - b) comply with the relevant procedures; and
 - c) as soon as reasonably practicable, inform the Court and all parties to the proceedings if there is a significant failure to take a procedural step required by the relevant procedures.
- 1.2** The Court has a duty under Article 7 to further the overriding objective by actively managing cases in criminal proceedings. Each party has a duty under Article 8 to actively assist the Court in fulfilling this duty.
- 1.3** The parties shall apply to the Court for any direction necessary to further the overriding objective. This duty applies to the conduct of the case as a whole and is not limited to applications from each party solely to advance their own case.
- 1.4** The duty of the parties to actively assist the Court includes communication between the parties and with the Court until the conclusion of the case.
- 1.5** All parties are required to adhere to the timetables set by these Practice Directions and to specific directions set by the Court. Where there has been a failure to take a procedural step or to comply with a direction, it is the responsibility of both parties to notify the Court and to seek further directions.

2 Before the first appearance of the defendant

- 2.1** The parties to criminal proceedings shall engage in active, timely and productive communication at the earliest opportunity to ensure effective progress at the first hearing.
- 2.2** In accordance with their duties under Article 8, parties must be fully prepared before the first hearing to avoid unnecessary and wasted hearings.
- 2.3** The Defence will be provided with the initial details of the Prosecution case in accordance with the Attorney General's Guidance 6/2019 at the earliest opportunity and

in any event sufficiently in advance of the defendant's first appearance to enable the defendant to comply with the requirement under Article 23 to enter a plea on that occasion.

3 At every appearance of the defendant

3.1 The Greffier will call the case.

3.2 The defendant shall give their name, address, and date of birth to the Court personally.

4 The first appearance of the defendant

Plea(s) entered on first appearance

4.1 The charge(s) will be read to the defendant. A plea shall be entered personally by the defendant after each charge is read.

4.2 Only a plea of guilty on the first appearance will ordinarily attract the maximum sentencing reduction of up to one third both in the Magistrate's Court and the Royal Court.

Application not to enter a plea on the first appearance

Approach of the Court

4.3 The Court will examine rigorously all applications under Article 23(3) and will adopt an approach similar to that set out in Plaku v The Queen [2021] EWCA Crim 568. Unless the Court is satisfied that the defendant needs further information, assistance, or advice in order to determine whether he/she is in fact and law guilty of the offence before entering a plea, the application will ordinarily be refused.

4.4 The Court will only direct that the defendant need not enter a plea where there is a real need to do so, to ensure fairness to all defendants when assessing sentencing credit.

Procedure for not entering a plea

4.5 An application under Article 23(3) may be made orally. The Defence shall inform the Greffier in the pre-Court meeting that such an application is to be made. The application shall be made after the defendant has been identified and before the first charge is read.

- 4.6** The application shall identify why the defendant need not enter a plea and request an adjournment for a specific purpose.
- 4.7** Where the application cites a failure of the Prosecution to provide the initial details of the Prosecution case, the application shall identify what material is outstanding by reference to the Attorney General's Guidance 6/2019 and how its absence is relevant to the application.
- 4.8** If the Court is satisfied that the Prosecution has served the initial details of the Prosecution case in accordance with the Attorney General's guidance, no adjournment will ordinarily be granted for the service of additional disclosure.
- 4.9** Irrespective of the outcome of the application, the particulars of the offence(s) will be read out in accordance with Article 23(1)(b) and the Court will proceed to consider the venue.
- 4.10** Where no plea is entered and the Court determines Magistrate's Court venue, the Court may grant an adjournment so that a plea may be entered on the defendant's next appearance. The Greffier will record the reason for no plea being entered. Sentencing credit may be preserved until a plea is entered.
- 4.11** Where no plea is entered and the Court determines Royal Court venue, the Court will issue directions as to when a plea shall be confirmed to the Attorney General, together with such further directions as may be necessary.

5 Entering pleas and change of plea

Entering a guilty plea in full acceptance of the prosecution case

- 5.1** A guilty plea is clear and unequivocal acceptance of the prosecution case.
- 5.2** Where a guilty plea is entered and the Court determines Magistrate's Court venue, the Court may either proceed to sentence or adjourn proceedings.
- 5.3** Where the Court proceeds to sentence the Prosecution shall address the Court on the facts of the case and the Defence shall address the Court in mitigation. The parties must be prepared to address the Court on ancillary orders on the first appearance.

Entering a guilty plea on a limited basis

- 5.4** Where there is a factual difference between the prosecution case and the defence case a defendant may enter a guilty plea on a limited basis.
- 5.5** Counsel are respectfully reminded that a guilty plea on a limited basis is not the same as a plea in mitigation and the two should not be confused.
- 5.6** A guilty plea on a limited basis must identify the aspects of the prosecution case which are not accepted by the Defence. Statements as to motive and mitigation should not be included.
- 5.7** A guilty plea on a limited basis must be realistic and form a proper foundation for sentencing; it must not be agreed between the parties on a misleading or untrue set of facts and it must take proper account of the interests of victims. Where there are co-defendants the basis of plea for each defendant must be factually consistent with the other bases of plea.
- 5.8** Irrespective of the position taken by the Prosecution, it is a matter for the Court whether the plea is accepted as the basis for sentencing. The Court will consider whether the basis adequately and appropriately reflects the evidence as disclosed on the papers, whether it is fair and whether it is in the interests of justice.
- 5.9** The Court will consider a guilty plea on a limited basis in accordance with Article 78 and will adopt an approach similar to that set out in Underwood [2004] EWCA Crim 2256 and Cairns [2013] EWCA Crim 467.
- 5.10** The Court may direct that evidence be called which is relevant to the disputed facts. This may take the form of a hearing in accordance with the principles set out in R v Newton (77 Cr. App. R. (S.) 388 [“a Newton hearing”]). The burden of proof in a Newton hearing rests on the Prosecution; the standard of proof is to the criminal standard. The defendant may be required to give evidence and be cross-examined or to call evidence.
- 5.11** A Newton hearing is not required where the Court holds that:
- a) the difference between the prosecution and defence cases is not material to sentence.
In such circumstances the Court will sentence on the Defence version; or

- b) the defendant's limited basis of plea is manifestly false or wholly implausible and does not need to be tested by the giving of evidence. In such circumstances the defendant will be sentenced on the Prosecution case.

Procedure for entering a guilty plea on a limited basis

5.12 Unless the Court directs otherwise, the following procedure shall apply where a guilty plea is entered on a limited basis:

- i. the defendant shall provide to the Court and to the Prosecution a written basis of plea signed by the defendant or their Advocate, in PDF format where possible;
- ii. the basis shall be provided at the earliest opportunity and, generally, where the plea is to be entered on the first appearance, no later than one working day before that hearing;
- iii. the basis shall set out clearly which aspects of the prosecution case are not accepted by the defendant and whether these aspects are material to sentencing;
- iv. the Prosecution shall provide the Court with brief details of the prosecution case as disclosed on the papers. Such details may be in the CJU5 Form; and
- v. the parties shall, at the earliest opportunity, make representations to the Court as to whether they consider a Newton hearing is necessary. Where possible representations shall be made in writing, in PDF format, no later than one day before the next hearing. Representations may be made orally at the Court hearing where necessary.

5.13 The Court will consider the basis of plea and indicate whether it is accepted as a basis for sentencing. Where the Court does not accept the basis, the Court will consider whether a Newton hearing is necessary and if so, issue directions.

Entering a not guilty plea

5.14 Where a defendant intends to enter a not guilty plea the Defence shall inform the Prosecution before the first hearing. The parties shall seek a trial date from the Greffier at the earliest opportunity.

5.15 Where a not guilty plea is entered by the defendant, the Defence shall:

- i. give a brief explanation of the issues in the case;

- ii. indicate which Prosecution witnesses are likely to be required to give live evidence and why their evidence is needed;
- iii. indicate whether they intend to seek the leave of the Court to call expert evidence; and
- iv. indicate what witness(es) the Defence intend to call and provide witness availability.

5.16 Where a not guilty plea is entered, the Prosecution shall:

- i. indicate which Prosecution witnesses are likely to be required to give live evidence and provide witness availability; and
- ii. indicate whether they intend to seek the leave of the Court to call expert evidence.

5.17 The Court may:

- i. fix a date for trial and give directions (including fixing a date for a Pre-Trial Directions Hearing (“PTDH”) if necessary); or
- ii. fix a date for a PTDH and give directions.

5.18 If a party cannot comply with any direction made it is the duty of both parties to notify the Court at the earliest opportunity and ask for further directions.

5.19 Should a party fail to comply with a direction of the Court that party may be liable for costs under Part 12.

Change of plea

From a not guilty plea to a guilty plea

5.20 Where a defendant wishes to withdraw a plea of not guilty and enter a plea of guilty the Defence shall notify the Court and the Prosecution at the earliest opportunity. The Court will re-list the matter. No trial date will be vacated until a plea of guilty has been formally entered by the defendant.

From a guilty plea to a not guilty plea

5.21 In accordance with Article 79 leave of the Court is required for a defendant to withdraw a plea of guilty and to enter a plea of not guilty. The following procedure shall be followed:

- i. an application for leave shall, unless the Court directs otherwise, be filed with the Court in PDF format via e-mail;
- ii. the application shall be accompanied by:
 - a. a skeleton argument in PDF format, setting out why it would be unjust not to grant the application;
 - b. an affidavit, in PDF format, sworn by the defendant which shall:
 - explain why it would be unjust not to allow him/her to withdraw the guilty plea;
 - identify any evidence he/she wishes to call; and
 - state whether the defendant waives legal professional privilege;
 - c. an affidavit, in PDF format, sworn by the Advocate who represented the defendant when the plea was entered (if applicable);
 - d. a time estimate for the hearing; and
 - e. details of any directions sought;
- iii. the application for leave and supporting documents shall be filed with the Court and served on the Prosecution at the earliest opportunity; and
- iv. the Court will consider the application on the papers and issue any necessary directions including those relating to obtaining a transcript of the relevant Court proceedings, the date by which the Prosecution shall file a response and set a date for the application to be heard.

6 Venue

Approach of the Court

- 6.1** The Court will consider venue in all cases in accordance with Part 6. The parties may address the Court before any determination is made.
- 6.2** Where a defendant has entered a guilty plea on a disputed basis and where such basis would, in the view of the Court, be material to the Court's determination of venue, the Court will hold a Newton hearing before determining venue.
- 6.3** Where a defendant has not entered a plea, the Court will proceed to consider venue.
- 6.4** Where the Court is considering venue for trial, for sentencing, or upon conviction after trial, it is the duty of the parties to bring to the attention of the Court any relevant matters including the gravity of the current offence, the Court's sentencing powers, any current

Magistrate's Court and/or Royal Court orders to which the defendant is subject, the status of any co-accused, and any concurrent proceedings in the Magistrate's Court (whether connected or not).

- 6.5** When determining venue, a defendant's previous convictions will not be considered by the Court unless a plea of guilty has been entered or a defendant has been found guilty after trial.

Procedure where the Court determines Magistrate's Court venue

- 6.6** Where the Court determines Magistrate's Court venue, the Court will proceed to trial or sentencing. The question of venue will remain subject to review until the case is concluded.

Procedure where the Court determines Royal Court venue

- 6.7** Where the Court determines that a defendant should be tried or sentenced by the Royal Court, the case will be sent to the Royal Court. The Magistrate will consider matters relating to bail, set a date for the first hearing in the Royal Court, and give directions necessary to ensure that the first hearing at the Royal Court is effective.
- 6.8** Where the Court determines Royal Court venue but the Royal Court is not seized of the case, an application to vary a direction already made by the Magistrate's Court or an application relating to bail shall be made to the Magistrate's Court.
- 6.9** Any application for new directions or to change the Royal Court hearing date shall be made to the Royal Court. However, where a variation of a direction made by the Magistrate's Court would necessarily lead to a change in a Royal Court hearing date, the Magistrate's Court may change the Royal Court date.
- 6.10** Once any matter in the case is placed before the Royal Court all subsequent applications, including matters relating to bail, shall be made to the Royal Court. The Prosecution shall inform the Magistrate's Court that the Royal Court is seized of the case.

Application to review the decision on venue

- 6.11** An application to review venue shall, unless the Court directs otherwise, be in writing.

- 6.12** All such applications shall include any information relied upon which was not before the Court when the decision on venue was made and shall state the relevance of that new information.
- 6.13** Such an application shall be in PDF format and be filed with the Court by e-mail and be served on the other party at the earliest opportunity after the information relied upon has come to the attention of the applicant.

7 Trial Preparation and Pre-Trial Directions Hearings (“PTDH”)

Defence Case Statement

- 7.1** Where a case is adjourned for trial or for a PTDH the Defence shall, at the earliest opportunity, and in any event no later than fourteen days after receipt of the full prosecution case, serve a Defence Case Statement (“DCS”) under Article 83 on the Prosecution and file a copy with the Court (see Appendix A). The DCS shall be in PDF format.
- 7.2** Where the Prosecution are of the view that the DCS fails to comply with Article 84, they shall notify the Defence and seek directions from the Court.
- 7.3** Where the Court holds that no DCS compliant with Article 84 has been filed/served the Court may warn the defendant under Article 83(4) and may award costs under Article 83(5). The Court will give any necessary directions which may include service of an amended DCS.
- 7.4** Failure to serve the full prosecution case or a DCS compliant with Article 84 within the time limits set by the Court is a significant failure to take a procedural step as required by the Law. Such failure shall be notified to the Court by both parties at the earliest opportunity.
- 7.5** Where either party requires an extension of time set by the Court for any procedural step they shall make an application to the Court at the earliest opportunity and in any event before the time limit expires.
- 7.6** Should further directions or a pre-trial evidential ruling be required it is the duty of the party seeking the direction or ruling to make an application to the Court at the earliest

opportunity. The parties should not wait until the next hearing to inform the Court of any outstanding issues.

Pre-trial Directions Hearing (“PTDH”)

- 7.7** Where a PTDH is listed both parties shall complete the PTDH form (Appendix B) in PDF format, and file it with the Court by e-mail no later than two working days before the PTDH.
- 7.8** Where either party seeks to introduce hearsay evidence (Rule 37), evidence of bad character (Rules 41 and 42) or make a special measures application (Rules 53 and 54) the appropriate form shall be completed and filed/served in accordance with the Rules, or in accordance with the directions of the Court (Appendices C – G). Any application shall be submitted in PDF format.
- 7.9** Where the Prosecution seek to introduce admissions of fact, the Prosecution shall draft such admissions and both parties shall seek to agree admissions where possible. Admissions of fact in PDF format shall be filed with the Court no later than seven days before the date fixed for the trial.
- 7.10** Where a defendant or a witness is eligible for special measures under Article 100(2)(b)(i) or Article 100(2)(b)(ii)(A)(B)(C) or (E) the party calling the eligible witness shall draft suitable Ground Rules. These shall be agreed with the other party before the PTDH and filed with the Court. The applicant shall apply to the Court for approval of the Ground Rules at the PTDH. Where no Ground Rules are applied for, standard Ground Rules (Appendix H) shall be complied with by the parties unless the Court determines otherwise.
- 7.11** Failure to comply with a pre-trial timetable will be regarded as a significant failure to take a procedural step under Article 4(1)(c). Each participant has a duty to inform the Court of the failure to comply and to apply for directions where necessary.
- 7.12** Each party shall serve a Certificate of Trial Readiness on the Court at least seven days before the first day of the trial, confirming that the case is ready for trial. The Prosecution shall complete Appendix I. Where the defendant is legally represented Appendix J shall be completed. An unrepresented defendant shall complete the form at Appendix K. All Certificates are to be filed in PDF format by e-mail with the Court.

Failure to file such a Certificate or failure to be ready for trial on the fixed date may lead to an application for costs under Part 12.

8 Trial

- 8.1** In all cases listed for trial, the Court will provide electronic access to the trial bundle.
- 8.2** The Prosecution shall file the agreed trial bundle with the Court electronically no later than seven days before the trial date unless the Court directs otherwise.
- 8.3** All PDF files shall be added as individual documents so that they appear in the bundle in the order that corresponds with the index. All documents shall be labelled appropriately so that the file name correlates with the name given in the index.
- 8.4** Once uploaded, no amendments to the trial bundle shall take place without the leave of the Court.
- 8.5** The parties shall attend a pre-Court meeting with the Greffier on the first day of the trial no later than 15 minutes before the time set by the Court for the commencement of the trial.
- 8.6** All trials shall commence at the time set by the Court. If a party is not able to proceed at that time, an application shall be made to the presiding Magistrate in open court to delay the start of the trial.

9 Sentencing

- 9.1** All documents and authorities relevant to sentencing shall be filed with the Court in PDF format via e-mail.
- 9.2** The Court will hear Defence submissions in mitigation. The Court is not bound to accept the truth of the matters put forward in mitigation and may require the defendant to give or call evidence, with the burden of proof resting on the defendant to the civil standard.
- 9.3** Where a party (“the Applicant”) intends to apply to the Court for an order ancillary to criminal proceedings, they shall give notice to the Court and to the other party (“the Respondent”). Where sentencing takes place on the first appearance, oral notice may

be given in Court of the order requested and the proposed terms. Where sentencing takes place at a subsequent hearing, notice shall be given in writing no later than five working days before the sentencing hearing. Notice shall be provided in PDF format via e-mail and shall set out the nature of the order requested, the proposed terms, and provide any relevant supporting evidence or information.

- 9.4** The Court does not require the parties to draft the terms of an ancillary order.
- 9.5** Following receipt of notification, the Respondent shall provide the Court and the Applicant with any observations, supporting evidence or information relating to the order sought. Where the application is in writing prior to the Court hearing, the response shall be in writing in PDF format via e-mail no later than three working days before the sentencing hearing. If no observations are received prior to the sentencing date, the Greffier will produce a draft order based on the application.
- 9.6** Where the Defence seek an adjournment for the preparation of any report prior to sentencing the application shall specify what report(s) are requested and what relevance they may have to sentence. Such application may be made orally.
- 9.7** Where the case is adjourned for any report prior to sentence, the Prosecution need not give the facts at that hearing but the facts must be given in open Court before sentencing.
- 9.8** Where the Defence believe that information from sources outside the Jersey Probation and After Care Service (“JPACS”), such as information from Health and Community Services, would assist JPACS in making a sentencing recommendation to the Court, they shall raise the matter with the Court and request that JPACS make the relevant enquiries.
- 9.9** Where relevant information is obtained, JPACS shall either include it in the Pre-Sentence Report (“PSR”) or make an application to the Court for an additional report to be prepared.
- 9.10** Counsel are respectfully reminded that where the Defence seek to obtain any report which is relevant solely to mitigation, it is the responsibility of Defence counsel to obtain the same.

10 Discontinuance

- 10.1** Where the Prosecution serves a notice of discontinuance under Article 80 and the Defence do not serve notice that they wish the proceedings to continue (Article 80(5)), the case will be recorded by the Greffier as discontinued on the earlier of:
- a) receipt of notice that the Defence do not intend to serve notice that they wish the proceedings to continue (Article 80(6A)(b)); or
 - b) fourteen days after service of the Prosecution notice of discontinuance.
- 10.2** Notification by the Defence under either Article 80(5) or Article 80(6A)(b), shall be given in PDF format, using the form set out in Appendix L.
- 10.3** If the proceedings are to continue, the case will remain listed as before. No change of date or additional directions will be made by the Court unless either party makes an application or it appears to the Court to be in the interests of justice to do so.
- 10.4** Where the defendant is remanded in custody and all proceedings relating to the defendant have been discontinued, the Court will serve upon the Prison formal notification that they may release the defendant. The defendant shall not be released until such notification has been received.

Costs on discontinuance

- 10.5** The Court may grant costs on discontinuance of proceedings following the principles in Pritchard v AG [2021] JRC 199.
- 10.6** Where the Defence serve notice under Article 80(6A)(b) any application for costs shall be included in that notice and they shall inform the Prosecution of such application.
- 10.7** Where the Prosecution receive notification of an application for costs, they shall, at the earliest opportunity, provide to the Court in writing any observations they have on the application or notify the Court that they have no such observations.
- 10.8** Where the Prosecution have no observations on the application for costs, the Defence may request that the application be dealt with on the papers.

- 10.9** Where the application is not dealt with on the papers the Court will list the matter for hearing. The Court may invite the Prosecution to provide details regarding the conduct of the case in order to determine whether it is just to make an award of costs.
- 10.10** Where the Defence do not provide notification to the Court under Article 80(6A)(b) and proceedings are discontinued with effect from fourteen days after the notice of discontinuance was filed with the Court, an application for costs may be submitted to the Greffier by email no later than four weeks after the notice of discontinuance.

Appendix A

Defence Case Statement

DEFENCE CASE STATEMENT AND WITNESS NOTICE

*Articles 83 to 85 of the Criminal Procedure (Jersey) Law 2018
Rule 33 of the Criminal Procedure (Jersey) Rules 2021*

Case details

Name of defendant:

Court:

Case reference number:

Charge(s):

Have you given a defence case statement or witness notice in this case before?

No

Yes

If yes, give the date(s).

When to use this form

If you are the defendant, and you are pleading not guilty, you must give the information required by Parts 2 and 3 of this form.

You must return this form within **14 days** after the day you receive the evidence paperwork from the prosecution.

How to use this form

1. Complete the case details box above, and Parts 1 to 3 below.

2. Sign and date the completed form.

3. Send a copy of the completed form to:

(a) the court, and

(b) the prosecutor

before the time limit expires.

If you need more time, you **must** write to the court to ask for this **before** the time limit expires.

Part 1: Plea

I confirm that I intend to plead not guilty to [all the charges] [the following charges] (*delete as applicable*) against me:

Part 2: Nature of the defence

Under Article 84 of the Criminal Procedure (Jersey) Law 2018, you must:

- (a) set out the nature of your defence, including any particular defences on which you intend to rely;
- (b) indicate the matters of fact on which you disagree with the prosecution, and in respect of each explain why;
- (c) set out the particulars of the matters of fact on which you intend to rely for the purposes of your defence;
- (d) indicate any point of law that you wish to take, including any point about the admissibility of evidence or about abuse of process, and any authority you want to rely on; and
- (e) if your defence case statement includes an alibi (i.e. an assertion that you were in a place or area and at a particular time inconsistent with your having committed the offence), give particulars, including –
 - (i) the name, address and date of birth of any witness whom you believe can give evidence in support of that alibi,
 - (ii) if you do not know all of those details, any information that might help identify or find that witness.

Complete your statement below. If you need more space, add a further page.

Part 3: List of intended defence witness(es)

Do you intend to call anyone other than yourself as a witness at your trial?
(Please tick yes or no)

No

Yes

If yes, give details below.

Name	Date of birth (if known)	Address, or any other contact or identifying details
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IMPORTANT NOTICE

You must let the court and the Prosecution know if, after you have sent this form in –

(i) you decide to call a witness, other than yourself, whom you have not already identified in Part 3 of this form,

(ii) you decide not to call a witness you have listed Part 3, or

(iii) you discover information which you should have included in Part 2 or Part 3 if you had known it then.

Declaration

I understand that I am responsible for the accuracy and completeness of this document, and that if I –

(a) do not provide a full and complete defence case statement before the time limit expires;

(b) give inconsistent defences in the defence case statement;

(c) at trial, rely on a defence, or facts, that I have not disclosed; or

(d) at trial, call a witness not included or adequately identified in a witness notice in advance,

the court may draw inferences in deciding whether or not I am guilty.

This form must be signed by the defendant or the defendant's legal representative. If signed by a legal representative, he or she confirms that the defendant has read the completed form (or has had it read to him or her), understands it and agrees with it.

Signed:..... defendant / defendant's legal representative

(delete as applicable)

Date:

Appendix B

Pre-Trial Directions Hearing



Magistrate's Court of Jersey

AG v	
PRE-TRIAL DIRECTIONS HEARING	
Date and time of PTDH	
Defendant's full name	
Defendant's remand status	
Defence Advocate	
Prosecutor	
Offence(s)	
Trial	Date:..... Time:..... Estimated length

PART A

1 PLEA

a) Has the Defendant been advised that a reduction in sentence is normally available for an early guilty plea and that a costs order may be made if convicted?	Yes <input type="checkbox"/>
	No <input type="checkbox"/>
b) If No, Magistrate to explain and confirm plea.	Done <input type="checkbox"/>
c) Is there any issue regarding the Defendant's capacity?	Yes <input type="checkbox"/>
If Yes, complete Part B.	No <input type="checkbox"/>

2 CASE MANAGEMENT

2.1 Defence Case Statement ("DCS")

a) Has a DCS compliant with Article 83 been filed?	Yes <input type="checkbox"/>
If No, Complete Part B.	No <input type="checkbox"/>

2.2 Disclosure

a) Are there any disclosure issues outstanding?	Yes <input type="checkbox"/>
If Yes, complete Part B.	No <input type="checkbox"/>
b) If there is video/audio evidence, has this been served on the defence?	Yes <input type="checkbox"/>
If No, Complete Part B.	No <input type="checkbox"/>

2.3 Admissibility

a) Is the admissibility of any evidence disputed?	Yes <input type="checkbox"/>
If Yes, complete Part B.	No <input type="checkbox"/>

2.4 Hearsay – Part 8 Police Procedures and Criminal Evidence (Jersey) Law 2003

a) Does any party wish to introduce a statement under Rule 37?	Yes <input type="checkbox"/>
If Yes, refer to the Rules Part 5 Division 2.	No <input type="checkbox"/>

2.5 Bad Character - Part 9 Police Procedures and Criminal Evidence (Jersey) Law 2003

a) Does any party wish to introduce evidence of bad character under Rule 40?	Yes <input type="checkbox"/>
If Yes, refer to the Rules Part 5 Division 3.	No <input type="checkbox"/>

2.6 Issues of law

a) Is there any legal argument?	Yes <input type="checkbox"/>
If Yes, complete Part B.	No <input type="checkbox"/>

3 WITNESSES**3.1 Prosecution witnesses**

a) Statements of the Prosecution witnesses listed below have been served under Article 9 Criminal Justice (Evidence and Procedure) (Jersey) Law 1998. If a witness statement is not accepted, complete Part B.			
The defence shall identify which Prosecution witnesses' statement(s) is agreed, which witnesses statements can be read, and which witnesses are to be called.			
<u>Witness name</u>	<u>Agree</u>	<u>Read</u>	<u>Call</u>
b) Do any of the Prosecution witnesses require an interpreter for trial?		Yes <input type="checkbox"/>	
If Yes, what language.....		No <input type="checkbox"/>	

The reason a Prosecution witness statement is not accepted should be clear from the Defence Case Statement. Please state briefly why a Prosecution witness statement is not accepted.

3.2 Defence witnesses

a) Does the Defence Case Statement list defence witnesses to be called?	Yes <input type="checkbox"/> No <input type="checkbox"/>
b) Do any of the defence witnesses require an interpreter for trial? If Yes, what language.....	Yes <input type="checkbox"/> No <input type="checkbox"/>

3.3 Expert Evidence

If there is to be an application that any of the above witnesses are to give expert evidence, refer to the Rules Part 5 Division 4.

3.4 Admissions of fact

The following topics are agreed between the parties under Article 3 Criminal Justice (Evidence and Procedure) (Jersey) Law 1998.

- a)
- b)
- c)

3.5 Witness Care

a) Is the Defendant or any witness aged under 18 and thereby eligible for special measures (Article 100 (2)(b)(i))?	Yes <input type="checkbox"/>
If Yes, refer to the Rules Part 5 Division 5.	No <input type="checkbox"/>

b) Is the Defendant or any witness aged 18 or over and eligible for special measures (Article 100 (2)(b)(ii))? If Yes, refer to the Rules Part 5 Division 5.	Yes <input type="checkbox"/> No <input type="checkbox"/>
c) Does the Defendant or any witness require an interpreter? If Yes, what language and for whom?	Yes <input type="checkbox"/> No <input type="checkbox"/>

4 TECHNICAL REQUIREMENTS

4.1 Is video evidence to be played at trial? If Yes, what time is required? mins	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.2 Is video audio to be played at trial? If Yes, what time is required? mins	Yes <input type="checkbox"/> No <input type="checkbox"/>

PART B – DIRECTIONS

1 CASE MANAGEMENT

1.1 Defence Case Statement

a) Magistrate to warn the Defendant (Criminal Procedure (Jersey) Law 2018 Article 83(4)) <i>'I must warn you that failure to give a statement of your defence in compliance with Article 83 Criminal Procedure (Jersey) Law 2018 may lead to comment being made at your trial as appears appropriate. I must also warn you that the Magistrate may draw such inferences as appear proper when deciding whether you are guilty of the offence(s) charged. Such comments or inferences could be harmful to your case.'</i>	Warning given? Yes <input type="checkbox"/> No <input type="checkbox"/>
b) Any further direction regarding the Defence Case Statement?	

1.2 Disclosure

a) What disclosure is outstanding?	
b) Is the disclosure of any item disputed? If Yes, see c) below. If No, see d) below	Yes <input type="checkbox"/> No <input type="checkbox"/>
c) If disclosure of an item is disputed, attach a copy of the item to this form where possible and outline the reasons for the dispute.	
d) If disclosure of an item is not disputed and it has not been served, what date will it be served by? 	

1.3 Legal Argument

a) If a point of law is to be argued a skeleton argument shall be filed with the Court and served on the opposing party by and in any event at least 14 days before trial. Any skeleton argument in reply shall be similarly filed and served within 7 days of receipt of the former, i.e. by
--

ADDITIONAL DIRECTIONS

1. A plan of is to be served and filed by before
2. Other arrangements for the defendant or witnesses e.g. site visit

3. The Prosecution shall file the trial bundle with the Court by

Signed:

Signed:

Date:

Date:

Prosecutor

Defendant or Advocate

Appendix C

Notice to introduce Hearsay Evidence

ICE TO INTRODUCE HEARSAY EVIDENCE

(Police Procedure and Criminal Evidence (Jersey) Law 2003)
(Criminal Procedure (Jersey) Rules 2021 Rule 37)

Name of Defendant:

Charge(s):

This notice is given by the Prosecutor/Defendant.

I want to introduce hearsay evidence on the following ground(s) in PPCE:

- ☐ **it is in the interests of justice to do so: Article 64(1)(d).**
- ☐ **it is admissible under a rule of customary law: Article 64A.**
- ☐ **the witness is unavailable: Article 65(2)(a) to (e).**
- ☐ **a document or part containing a statement was created or received through a business capacity from someone supposed to have had personal knowledge of the matters dealt with: Article 66.**

1) Details of the hearsay evidence. If you have NOT already served the evidence, attach any statement or other document containing it. Otherwise, give enough details to identify it.

2) Facts on which you rely (if any), and how you will prove them. Set out any facts that you need to prove to make the evidence admissible. A party who objects to the introduction of the evidence must explain which, if any, of those facts are in dispute. Explain in outline on what you will then rely to prove those facts.

3) Reasons why the hearsay evidence is admissible. Explain why the evidence is admissible, by reference to the provisions(s) of PPCE on which you rely.

Signed:

[Prosecutor/Defendant/Defendant's Advocate]

Date:

Notes

1. Complete every section of this form. If you use an electronic version the boxes will expand. If you use a paper version and need more space, you may attach extra sheets.

2. Sign and date the completed form.

3. Send a copy of the completed form and any attachments to:

(a) the court, and

(b) each other party to the case,

as soon as reasonably practicable after the Defendant has pleaded not guilty.

4. A party who objects to the introduction of this evidence must apply to the court under CPR Rule 38, not more than 14 days after the later of the date of service of this notice and the date on which the Defendant pleads not guilty.

Appendix D

Notice to introduce Defendant's Bad Character

APPLICATION TO INTRODUCE EVIDENCE OF A DEFENDANT'S BAD CHARACTER

*(Police Procedure and Criminal Evidence (Jersey) Law 2003, Article 82E)
(Criminal Procedure (Jersey) Rules 2021, Rule 41)*

Name of Defendant:

Charge(s):

This is an application by the Prosecutor under Article 82E PPCE.

I want to introduce evidence of the bad character of the Defendant on the following ground(s):

- ☐ it is importance explanatory evidence: Article 82E(1)(c).
- ☐ it is relevant to an important matter in issue between the Defendant and the Prosecution: Article 82F.
- ☐ it is evidence to correct a false impression given by the Defendant: Article 82I.

1) **Facts of the misconduct.** If the misconduct is a previous conviction, explain whether you rely on (a) the fact of that conviction, or (b) the circumstances of that offence. If (b), set out the facts on which you rely.

2) **How you will prove those facts, if in dispute.** A party who objects to the introduction of the evidence must explain which, if any, of the facts set out above are in dispute. Explain in outline on what you will then rely to prove those facts, e.g. whether you rely on (a) a certificate of conviction, (b) another official record (and if so, which?), or (c) other evidence (and if so, what?).

3) **Reasons why the evidence is admissible.** Explain why the evidence is admissible, by reference to the provision(s) of the Police Procedure and Criminal Evidence (Jersey) Law 2003 on which you rely.

Signed.....[Prosecutor]

Date.....

Notes

1. **Complete every section of this form.** If you use an electronic version the boxes will expand. If you use a paper version and need more space, you may attach extra sheets.
2. **Sign and date the completed form.**
3. **Send a copy of the completed form to:**
 - (a) **The court, and**
 - (b) **Each other party to the case,** so as to reach the recipients within the time prescribed by CPR Rule 41.
4. **A party who objects** to the introduction of this evidence must apply under CPR Rule 43, serving the application as soon as reasonably practicable and in any event not more than 14 days after receipt of notice of this application.

Appendix E

Notice to introduce Co-Defendant's Bad Character

**APPLICATION TO INTRODUCE EVIDENCE OF A
CO-DEFENDANT'S BAD CHARACTER**

*(Police Procedure and Criminal Evidence (Jersey) Law 2003, Article 82E)
(Criminal Procedure (Jersey) Rules 2021, Rule 41)*

Name of Defendant:

Charge(s):

This is an application by the above-named Defendant under Article 82E PPCE.

I want to introduce evidence of the bad character of
(Co-Defendant's name) on the following ground(s):

- ☐ it is importance explanatory evidence: Article 82E(1)(c).
- ☐ it has substantial probative value in relation to an important matter which is in issue between the Defendant and the Co-Defendant: Article 82H.

4) **Facts of the misconduct.** If the misconduct is a previous conviction, explain whether you rely on (a) the fact of that conviction, or (b) the circumstances of that offence. If (b), set out the facts on which you rely.

5) **How you will prove those facts, if in dispute.** A party who objects to the introduction of the evidence must explain which, if any, of the facts set out above are in dispute. Explain in outline on what you will then rely to prove those facts, e.g. whether you rely on (a) a certificate of conviction, (b) another official record (and if so, which?), or (c) other evidence (and if so, what?).

6) **Reasons why the evidence is admissible.** Explain why the evidence is admissible, by reference to the provision(s) of the Police Procedure and Criminal Evidence (Jersey) Law 2003 on which you rely.

Signed.....
[Defendant/Defendant's Advocate]

Date.....

Notes

1. **Complete every section of this form.** If you use an electronic version the boxes will expand. If you use a paper version and need more space, you may attach extra sheets.
2. **Sign and date the completed form.**
3. **Send a copy of the completed form to:**
 - (c) The court, and
 - (d) Each other party to the case, so as to reach the recipients within the time prescribed by CPR Rule 41.
4. **A co-defendant who objects** to the introduction of this evidence must apply under CPR Rule 43, serving the application as soon as reasonably practicable and in any event not more than 14 days after receipt of notice of this application.

Appendix F

Notice to introduce Non-Defendant's Bad Character

**APPLICATION TO INTRODUCE EVIDENCE OF A
NON-DEFENDANT'S BAD CHARACTER**

*(Police Procedure and Criminal Evidence (Jersey) Law 2003, Article 82J)
(Criminal Procedure (Jersey) Rules 2021, Rule 42)*

Name of Defendant:

Charge(s):

This is an application by [the Prosecutor/Defendant] under Article 82J PPCE.

I want to introduce evidence of the bad character of
(non-defendant's name) on the following ground(s):

- ☐ it is importance explanatory evidence: Article 82J(1)(a).
- ☐ it has substantial probative value in relation to a matter which:
 - (a) Is a matter in issue in the proceedings
 - (b) Is of substantial importance in the context of the case as a whole:
Article 82J(1)(b).

7) **Facts of the misconduct.** If the misconduct is a previous conviction, explain whether you rely on (a) the fact of that conviction, or (b) the circumstances of that offence. If (b), set out the facts on which you rely.

8) **How you will prove those facts, if in dispute.** A party who objects to the introduction of the evidence must explain which, if any, of the facts set out above are in dispute. Explain in outline on what you will then rely to prove those facts, e.g. whether you rely on (a) a certificate of conviction, (b) another official record (and if so, which?), or (c) other evidence (and if so, what?).

9) **Reasons why the evidence is admissible.** Explain why the evidence is admissible, by reference to the provision(s) of the Police Procedure and Criminal Evidence (Jersey) Law 2003 on which you rely.

Signed.....
[Prosecutor/Defendant/Defendant's Advocate]

Date.....

Notes

1. **Complete every section of this form.** If you use an electronic version the boxes will expand. If you use a paper version and need more space, you may attach extra sheets.
2. **Sign and date the completed form.**
3. **Send a copy of the completed form to:**
 - (e) **The court, and**
 - (f) **Each other party to the case,** so as to reach the recipients within the time prescribed by CPR Rule 41.
4. **A party who objects** to the introduction of this evidence must apply under CPR Rule 43, serving the application as soon as reasonably practicable and in any event not more than 14 days after receipt of notice of this application.

Appendix G

Application for Special Measures

Direction

APPLICATION FOR A SPECIAL MEASURES DIRECTION (Criminal Procedure Rules, Rule 53 and 54)
Case details Name of defendant: Charge(s):
<p><u>How to use this form.</u></p> <p>This form includes notes to help you complete it. They explain when a witness may be eligible for the assistance of special measures.</p> <p>Complete the box above and give the details required in the boxes below.</p> <p>You must complete Parts A and B in all cases, and Parts C to H as appropriate. If you use an electronic version of this form, the boxes will expand. If you use a paper version and need more space, you may attach extra sheets.</p> <p>Sign and date the completed form.</p> <p>Send a copy of the completed form to:</p> <ul style="list-style-type: none"> (a) the court, and (b) each other party to the case.¹ <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1. You must send this form so as to reach the recipients as soon as possible. 2. A party who wishes to oppose this application must explain why they oppose it not more than 14 days after service of this application.
<p>PART A: information about this application</p> <p>A1. Do you want a court hearing of this application?</p> <p style="margin-left: 40px;">No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, explain why.</p> <p>A2. Is this application late?</p> <p style="margin-left: 40px;">No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, explain why.</p>

¹ In some circumstances, an applicant may omit information from the copy of this application that is served on another party: see Criminal Procedure (Jersey) Rules 2021, Rule 56

A3. Have you applied for a special measures direction for this witness in this case before?**No** ☐**Yes** ☐ If yes, give details and explain what has changed since then.**PART B: information about the witness****B1. Witness' details**

Name of witness:

Date of birth:

B2. Explain how the witness is eligible for assistance. **Tick each relevant box.** If the witness is eligible because of disability, or fear or distress, give details and explain why the quality of the witness' evidence is likely to be diminished because of that.

- | | |
|--|--------------------------|
| Witness is under 18 | <input type="checkbox"/> |
| Mental disorder | <input type="checkbox"/> |
| Significant impairment of intelligence | <input type="checkbox"/> |
| Physical disability or disorder | <input type="checkbox"/> |
| Witness is or is expected to be off-Island | <input type="checkbox"/> |
| Fear or distress | <input type="checkbox"/> |

B3. Explain why special measures would be likely to improve the quality of the witness' evidence.

B4. Which measure(s) would be likely to maximise so far as practicable the quality of the witness' evidence? **Tick each you propose.**

- | | | |
|---|--------------------------|-----------------|
| Screening witness from defendant | <input type="checkbox"/> | |
| Screening witness from public gallery | <input type="checkbox"/> | |
| Evidence by live link | <input type="checkbox"/> | complete Part C |
| Removal of gowns | <input type="checkbox"/> | |
| Video recorded interview as evidence in chief | <input type="checkbox"/> | complete Part D |
| Video recorded cross-examination | <input type="checkbox"/> | complete Part E |
| Intermediary | <input type="checkbox"/> | complete Part F |
| Aids to communication | <input type="checkbox"/> | complete Part G |
| Other (please specify) | <input type="checkbox"/> | complete Part H |

.....

B5. What has been done to help the witness express an informed opinion about special measures? Care must be taken to explain to the witness (a) what is meant by special measures, (b) what measure(s) may be available, and (c) what they would involve for the witness.²

B6. What views has the witness expressed about:

(a) his or her eligibility?

(b) whether special measures would be likely to improve the quality of his or her evidence?

(c) the measure(s) that you propose?

The views, concerns and requests expressed by the witness, or on his or her behalf, must be set out in detail.

PART C: evidence by live link

C1. Do you want the witness to give evidence:

using the court's own live link? ☐ or

from somewhere else? ☐

Tick which you propose. If you want the witness to give evidence by live link from somewhere else, answer question C2.

C2. Explain why you want the witness to give evidence from somewhere else. **Give the address from which you propose the witness should give evidence, unless you want the court to direct that the address need not be revealed.**

C3. Who do you propose should accompany the witness while he or she gives evidence? **Give that person's name, if known, and relationship to the witness (if any).**

² If the witness does not want a special measure, he or she should be asked to explain why. The witness should also be told that if he or she changes his or her mind as the trial approaches, a further application to the court can be made.

C4. Why would that person be an appropriate companion for the witness? **Include the witness' own views.**

PART D: video recorded interview as evidence in chief

D1. When was the interview? (date)

D2. Was the interview conducted through an intermediary?

No ☐ **Yes** ☐ If yes, complete Part F as well.

D3. Was any aid to communication used in conducting the interview?

No ☐ **Yes** ☐ If yes, give details.

D4. How long is the full version of the recording? (hours / minutes)

D5. Has an edited version been prepared for use in evidence?

No ☐ **Yes** ☐

D6. When did you serve:

(a) the full version? (date)

(b) the edited version (if any)? (date)

D7. Do you want the court's permission for the witness to give evidence in chief otherwise than by means of the recording?

No ☐ **Yes** ☐ If yes, explain why.

PART E: video recorded cross-examination

E1. Who do you propose should be present with the witness when the cross-examination and any re-examination takes place?

Tick each person you propose. Each member of the court and each legal representative acting in the proceedings must be able to see and hear the examination if they are not present with the witness. The defendant may not be present with the witness but must be able to see and hear the examination.

Defence advocate	<input type="checkbox"/>
Prosecution advocate	<input type="checkbox"/>
Judge / Jurats	<input type="checkbox"/>
Intermediary (if appointed)	<input type="checkbox"/> see also Part G
Witness supporter (if any)	<input type="checkbox"/>

Give the supporter's name, if known, and relationship to the witness (if any). Explain why that person would be an appropriate companion for the witness, including the witness' own views.

E2. Describe the proposed arrangements for questioning the witness. Ground Rules for questioning may be directed by the court. If a direction for the appointment of an intermediary is sought, see also Part G.

PART F: intermediary

F1. Describe the witness' communication needs, and the proposed arrangements for questioning the witness. Attach any relevant report, including an intermediary's assessment if available. Ground Rules for questioning must be discussed between the court, the advocates and the intermediary before the witness gives evidence, to establish (a) how questions should be put to help the witness understand them, and (b) how the proposed intermediary will alert the court if the witness has not understood or needs a break.

F2. Give the proposed intermediary's (a) name and (b) (if relevant) occupation, skills and professional qualifications.

F3. Is the intermediary known, or related, to the witness?

No ☐ **Yes** ☐ If yes, give details.

F4. Has the intermediary been used in any other part of the investigation or pre-trial preparation?

No ☐ **Yes** ☐ If yes, give details.

F5. Where a video recorded interview was conducted through an intermediary:

(a) was that intermediary the person named above? Yes ☐ **No** ☐

If no, attach an additional Part F in respect of that intermediary, giving the details required by questions F2, F3, F4 and F5.

PART G: aids to communication

G1. What device is proposed as a communication aid?

G2. Might the use of this device affect the conduct of the trial?

No ☐

Yes ☐ If yes, give details.

PART H: other

H1: Explain why the special measure you have requested would be likely to improve the quality of the witness' evidence.

PART I: supporting material

Have you included with this application any other material?

No ☐

Yes ☐ If yes, list it here.

Signed: **[prosecutor / defendant /
defendant's advocate]**

Date:

Appendix H

Standard Ground Rules



Magistrate's Court of Jersey

Standard Ground Rules

These Ground Rules apply whenever a child or young person, or an eligible witness under Article 100(2)(b)(ii)(A)(B)(C) or (E) is before a Magistrate's or Youth Court, either as a defendant or a witness, so that they can understand and take part in the case.

Where the person is the defendant, they should be able to understand the case against them. Where the person is a witness, they should be asked questions they can understand and to which they can provide a reliable reply.

These Rules may be amended by the Court at the request of either party.

1. Clear and simple everyday language of a type that the person is likely to understand shall be used at all times.
2. Technical legal terms shall be avoided where possible. Where a legal term cannot be avoided (such as when the charge is read) it shall be explained in ordinary language.
3. Questioning the person shall not be aggressive.
4. Questions put to the person shall be in simple form, one question at a time. No sub clauses to sentences nor tagged questions are to be used.
5. Questions will be asked slowly and there will be an appropriate pause for the person to reply.
6. Questions will not be repeated unless the person has not heard, or not understood the question.
7. Where a question has not been understood it will be re phrased appropriately.
8. Only open questions may be asked.
9. Questions shall be put one theme at a time and in chronological order.
10. A change of theme shall be signposted.
11. Questions will be relevant to the issues in the case and designed to provide answers the advocate wishes to know, and no other reason.

12. Advocates shall put their case to the person in appropriate terms.
13. Breaks will be taken every 30 minutes or more often if requested.
14. Models, body diagrams with numbering, timelines, signs indicating responses or the need for a break, or for questioning to stop, shall be made available to the person.
15. The attendance of witnesses shall be timetabled.

Appendix I

Certificate of Trial Readiness

Prosecution



Magistrate's Court of Jersey
Certificate of Trial Readiness – Prosecution
AG v [INSERT NAME(S) OF DEFENDANT(S)]

The date of the trial is: _____ AM / PM / Full Day				
Issue	n/a	Yes	No	If no, give details
Has all evidence to be relied on been served?				
Has all disclosure been provided?				
Have all other directions been complied with?				
Have any witness summonses required been received and served?				
Have any special measures issues been resolved?				
Have Ground Rules been set?				
Have you notified the Court of any interpreter requirements for witnesses? If Yes, repeat details of requirement.				
Has an agreed expert's statement been served upon the Court?				
Is the case ready to proceed? If there are issues remaining to be determined identify them.				
I certify the Prosecution to be trial ready				
Form completed for the Prosecution by: [insert name]				
Date:				

Appendix J

Certificate of Trial Readiness

Defence



Magistrate's Court of Jersey

Certificate of Trial Readiness – Defence

AG v [INSERT NAME(S) OF DEFENDANT(S)]

The date of the trial is: _____ AM / PM / Full Day				
Issue	n/a	Yes	No	If no, give details
Are you in effective contact with the Defendant?				
Do you have full instructions for trial?				
Will the Defendant maintain pleas of not guilty?				
Have the defence reviewed Prosecution witness requirements and notified any changes?				
Has all defence evidence to be relied on been obtained?				
Has all disclosure been received?				
Have all other directions been complied with?				
Have defence witnesses required to attend acknowledged they will attend?				
Have any defence witness summonses required been received and served?				
Have any special measures for defence witnesses been resolved?				
Have you notified the Court of any interpreter requirements for the defendant or defence witnesses? If Yes, repeat details of requirement				
Has an agreed expert's statement been served upon the Court?				

Is the case ready to proceed? If there are issues remaining to be determined identify them.				
I certify the defence to be trial ready				
Information provided on behalf of the Defendant by: [insert name]				
Date:				

Appendix K

Certificate of Trial Readiness

Unrepresented Defendant



Magistrate's Court of Jersey

Certificate of Trial Readiness – Unrepresented Defendant

AG v [INSERT NAME(S) OF DEFENDANT(S)]

The date of the trial is: _____ AM / PM / Full Day				
Issue	n/a	Yes	No	If no, give details
Do you still intent to plead not guilty to the charge(s)?				
Do you have all the evidence you wish to bring at trial?				
Are you asking for any further information from the Prosecution? If Yes, give details of what further information you are seeking				
Have you done everything the Court has ordered you to do to prepare for the trial?				
Have all your witnesses agreed to come to court on the trial date?				
Have you asked the Court for any help you or your witnesses might need when giving evidence or understanding what is happening in court? (e.g. an interpreter)				
Do you intent to rely on the evidence of an expert witness (a person with specialist knowledge)? If Yes, you shall comply with the Rules 2021 Part 5				
Is the trial ready to go ahead?				
Is there anything outstanding? If Yes, please explain what this is				
I certify that I am trial ready				
Signed:	Print Name:			
Date:				

Appendix L

Discontinuance



Magistrate's Court of Jersey

Discontinuance

Attorney General v [Insert name(s) of the defendant(s)]

Notification by the defence on discontinuance

Article 80 Criminal Procedure (Jersey) Law 2018

The defendant, having received a notice of discontinuance dated **[insert date]** in relation to proceedings in respect of the following charges

[insert detail of charges discontinued]

Now:

a) serves notice upon the Court in accordance with Article 80(5) that he/she wishes the proceedings to continue [and seeks directions in the following terms] *

or

b) notifies the Court in accordance with Article 80(6A) (b) that he/she does not intend to serve a notice under Article 80(5) [and seeks reasonable defence costs to be taxed by the Greffier] *;

* Delete as applicable

Signed by / on behalf of the defendant

Date