

SCHEDULE

Rule 7

(Form 1)

Rule 7

SCHEDULE

FORMS

Case Number

Application for dismissal of transferred charge(s) Criminal Justice Act 1991 under Schedule 6 paragraph 5

This form may be used to give notice of intention to apply orally, or to apply in writing, for dismissal of transferred charge(s), for application to call witnesses or for an extension of time within which to apply. Applications for dismissal must be received by the Court named in the notice of transfer, within **14 days** of the date on that notice.

A copy of this form and of any statements or documentary evidence on which the applicant relies must be served at the same time on the Director of Public Prosecutions and on any other person to whom the notice of transfer relates.

Case Details

Enter the name of the Court shown on the Notice of Transfer, the case no., and the date of the Notice.

The Crown Court at

Crown Court Case Number

Date of notice of transfer

State the name and address of the applicant to whom this application relates. (If in custody give address where detained.)

Applicant Surname
Forenames
Address

Date of birth

Application

Tick box as appropriate

- Notice of intention to apply *orally* for dismissal Sch 6 para 5(3) CJA 1991
- Application to call witnesses in support of application for dismissal Sch 6 para 5(4) CJA 1991
- Application for extension of time within which to give notice of intention to make an oral application
- Written* application for dismissal
- Application for extension of time within which to make a written application

If applying for an extension only you will need to submit a complete form in due course.

Charges

Specify all charges and indicate those to which this application applies.

(If applying only for an extension, you do not need to complete this section)

Form 1 Application for dismissal of transferred charge(s) or for extension of time.

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Grounds for applying

(a) Application for dismissal:

The evidence which has been disclosed would not be sufficient for a jury properly to convict.

(b) Application for extension of time:

If applying for an extension, state the grounds

Witnesses* and material on which you rely (copies of all documents including video recordings must be attached).

For oral applications, indicate which witnesses you propose to call, if leave is given. State the date of birth of each witness (or that he is 18 or over). In relation to each witness under 18, you must also provide the additional information requested (Sch. 6 para. 5(5)).

Witnesses under 18

Name:

Date of birth:

Date of any video recording of the witness as is mentioned in section 32A(2) of the Criminal Justice Act 1988:

Is the witness the alleged victim or an alleged witness of the commission of the offence(s) charged?
YES/NO (delete inapplicable)

I confirm that none of the proposed witnesses is a child to whom Schedule 6 paragraph 5(5) applies.

*continue overleaf if necessary

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Signature of applicant Details of any person signing on behalf of applicant
Name

Solicitor/Counsel
Address

Date _____

Reference

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(Form 2)

Application by prosecution for oral hearing of defence application for dismissal

This form may be used by the prosecution to apply for:

- an oral hearing of a defence application for dismissal;
- leave to call witnesses; or
- an extension of time within which to apply for (a) an oral hearing or (b) to submit documents.

An application by the prosecution for an oral hearing, or for an extension of time within which to apply for an oral hearing, must be made within **7 days** of receipt of notice of the defence application for dismissal. Written comments or material must be submitted to the appropriate officer of the court within **14 days** of the date of receipt of the defence application.

A copy of this form must be given to the applicant for dismissal and to any other person to whom the application to dismiss relates.

Case Details

The Crown Court at	Crown Court Case Number:	Enter the name of the Court shown on the notice of transfer, the case no. and the date of receipt of the defence application
Date of receipt of copy of defence application:		
Defendant(s)*	Surname Forename(s) Address	State the name(s) and address(es) of the defendant(s) to whom this application relates. If in custody, give address where detained
	Date of birth:	

Application

Director of Public Prosecutions	State the name, address and reference
<input type="checkbox"/> Application for oral hearing	Tick as appropriate
<input type="checkbox"/> Application for leave to call witnesses under Sch 6 para 5(4) CJA 1991	
<input type="checkbox"/> Application for extension of time within which to apply for oral hearing	
<input type="checkbox"/> Application for extension of time within which to submit documents	

Charges*

Specify all charges and indicate those to which the application for dismissal applies and those on which the prosecution intend to respond

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State the grounds on which the application is being made

Grounds for applying

Indicate which witnesses you propose to call, if leave is given

Witnesses* for the prosecution

State the date of birth of each witness (or that he is 18 or over). In relation to each witness under 18, you must also provide the additional information requested (Sch. 6 para. 5(5))

Witnesses under 18

Name:

Date of birth:

Date of any video recording of the witness as is mentioned in section 32A(2) of the Criminal Justice Act 1988:

Is the witness the alleged victim or an alleged witness of the commission of the offence(s) charged: YES/NO (delete inapplicable)

I confirm that none of the proposed witnesses is a child to whom Schedule 6 paragraph 5(5) applies.

Indicate any grounds on which it appears that a proposed witness for the defence is a child to whom Sch. 6 para. 5(5) applies

Witnesses for defence

Signature

Date

*continue overleaf if necessary

Form 2 Application by Prosecution for oral hearing or for extension of time

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(Form 3)

In the Crown Court at

Case Number

Notification of Court's Determination on Applications under Criminal Justice Act 1991 Schedule 6 paragraph 5

This form shall be used for notifying all parties of the court's determination of the following applications:

- by the prosecution for oral hearing of a defence application for dismissal;
- by the defence or prosecution for leave to call witnesses;
- by the defence or prosecution for an extension of time within which to lodge an application for oral hearing; or
- by the prosecution for extension of time within which to submit material to the court.

Case Details

Defendant(s) Surname:
Forename(s):
Address:
(if in custody give
address where detained)

Date of birth:

Charges (indicate those to which the application relates)

Nature of Application

- Application by prosecution for oral hearing of application for dismissal of transferred charges)
- Defence*/Prosecution* application for leave to call witnesses Sch 6 para 5(4) CJA 1991 for oral hearing
- Defence*/Prosecution* application for extension of time within which to lodge an application for oral hearing
- Prosecution application for extension of time within which to submit written comments or other material to the court

*delete as appropriate

Court's Decision

(Specify court's decision on each application considered. Where an application is refused the reasons for refusal should be stated. Where leave is granted to call witnesses, the court must be satisfied that none of the witnesses to be called is a child to whom Schedule 6 paragraph 5(5) applies.)

Signed
(an Officer of the Court)

Date

Form 3 Notice of the Court Decision on application for oral hearing etc., or extension of time
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(Form 4)

In the Crown Court at

Case Number

Notification of the Court's determination of a written application for dismissal of transferred charge(s) under Criminal Justice Act 1991 Schedule 6 paragraph 5

Case Details

Defendant(s) Surname:

Forename(s):

Address:

(if in custody give
address where detained)

Date of birth:

Charges (*Those on which dismissal was sought to be separately identified*)*

Court's Decision (*Specify court's decision. Where an application is refused the reasons for refusal should be stated. Include details of any bail variations, and counts substituted, added or quashed.*)

Signed
(an Officer of the Court)
*continue overleaf if necessary

Date