

SCHEDULE 3

Rules 33 and 37

PRELIMINARY HEARING

The matters which may be addressed at a preliminary hearing shall include—

1. the issues in the case;
2. any matters concerning the proper and efficient management of the case including giving parameters to the court administration officer for the listing of the case for trial;
3. issues, if any, as to the mental or medical condition of any accused or witness;
4. the number of witnesses whose evidence will be placed before the court either orally or in writing;
5. the defence witnesses in paragraph 4 whose statements have been served and whose evidence the prosecution will agree and accept in writing;
6. any prosecution witnesses whom the defence require to attend at the trial;
7. any additional witnesses who may be called by the prosecution and the evidence that they are expected to give;
8. any issues as to disclosure;
9. any alibi which should already have been disclosed in accordance with section 11 of the Criminal Justice Act 1967;
10. facts which are to be admitted and which can be reduced into writing in accordance with section 10(2)(b) Criminal Justice Act 1967(1), within such time as may be directed at the hearing, and of any witness whose attendance will not be required at the trial;
11. any exhibits and schedules which are to be admitted;
12. the order and pagination of the papers to be used by the prosecution at the trial and the order in which the prosecution witnesses are likely to be called;
13. any point of law which it is anticipated will arise in the course of the proceedings;
14. any question as to the admissibility of evidence which appears on the face of the papers, and any authority on which the party intends to rely;
15. any application to be made for evidence to be given through live television;
16. any application for a special measures direction under section 19 of the Youth Justice and Criminal Evidence Act 1999(2);
17. any application for screens, for use by witnesses seeking a visual break between themselves and any relevant parties;
18. whether any video, tape recorder or other technical equipment will be required during the proceedings;
19. where a tape recorded interview has taken place, any dispute or agreement as to the accuracy of any transcript or summary;
20. any other significant matter which might affect the proper and convenient trial of the case, and whether any additional work needs to be done by the parties;

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- (1) Sections 9 and 10 of the Criminal Justice Act 1967 are applied to proceedings before courts-martial subject to the modifications prescribed by the Criminal Justice Act 1967 (Application to Courts-Martial) (Evidence) Regulations 1997 (S.I. 1997/173).
 - (2) 1999 c. 23; section 19 of the Youth Justice and Criminal Evidence Act 1999 is applied, with modifications, to proceedings before courts-martial by the Youth Justice and Criminal Evidence Act 1999 (Application to Courts-Martial) Order 2006 (S.I. 2006/2886).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

21. the estimated length of any trial, to be agreed more precisely taking account of any views expressed by the judge advocate and the other parties;
22. witness availability and the approximate length of witness evidence;
23. availability of advocate;
24. orders prohibiting or restricting the publication of any matter or excluding the public from any proceedings
25. challenges to the jurisdiction of the court;
26. objection to a charge on the grounds that it is not correct in law;
27. plea that the court is debarred from trying a charge;
28. whether there is a need for any further directions.