THE CRIMINAL PROCEDURE RULES, 2023

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REPUBLIC OF TRINIDAD AND TOBAGO

THE CRIMINAL PROCEDURE ACT, CHAP. 12:02

RULES

MADE BY THE RULES COMMITTEE UNDER SECTION 78(a) OF THE SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01; SECTION 41 OF THE JURY ACT, CHAP. 6:53; SECTION 14(C) OF THE EVIDENCE ACT, CHAP. 7:01; SECTION 77(1) OF THE CRIMINAL PROCEDURE ACT, CHAP. 12:02; SECTION 32 OF THE ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS) ACT, NO. 20 OF 2011 AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE CRIMINAL PROCEDURE RULES, 2023

PART I—PRELIMINARY

Citation

1.1 These Rules may be cited as the Criminal Procedure Rules, 2023.

Commencement

1.2 These Rules shall come into force on 12th December, 2023.

Application of the Rules

1.3 (1) These Rules apply, unless the context otherwise requires, to—

(a) any criminal matter or proceeding, including an indictable proceeding;

(b) any Court, including the Children Court.

(2) Notwithstanding sub-rule (1), if there is any conflict between a provision in these Rules and another rule that makes specific provision for any matter, proceeding or Court, the specific rule shall apply.

Interpretation

1.4 In these Rules, unless the context otherwise requires—

"accused" means a person against whom a complaint is made, information is laid, or an indictment is filed or preferred and includes a defendant;

"authorised officer" means an officer so designated by virtue of section 43(3) of the Summary Courts Act; Chap. 4:20

"case management hearing" includes, where the context permits, an appeal management conference;

"complainant" includes a person who files a complaint in relation to either an indictable or summary offence;

"Court" means a Summary Court or the High Court, a District Court Judge, a Judge of the High Court or a Master of the High Court; and where the context permits, the Registrar and a Magistracy Registrar;

"Court office" means—

(a) the place where documents are to be filed and includes a registry or sub-registry; and

(b) the place where work of a formal or administrative nature is to be dealt with by members of Court staff;

"Court officer" means the appropriate member of the staff at a Court office;

"Courtpay" means the Judiciary's software system which manages the information in relation to the payment of fees and charges made into the Judiciary's custodial bank account using Linx Card, Credit Card, CourtPay TopUp Voucher or the Judiciary Closed Loop Reloadable Card and out of the Judiciary's custodial account to the Central Bank;

"defendant" has the same meaning as accused;

"case presentation system" means a digital or electronic system, approved from time to time by the Chief Justice, which enables the upload of documents and evidence electronically for presentation and use by the parties and the Court during Court proceedings;

"filing", in relation to a document, means delivering, sending it by facsimile transmission, by any other electronic means or sending it to the appropriate court office and is not completed until the document is received at that office;

"hearing" means the hearing of an application, motion, reference or appeal;

"indictable offence" means an offence which is triable only on indictment or an either-way offence;

"Keeper" means the officer having the charge of any prison in Trinidad and Tobago;

"participant" means anyone involved in any way with the conduct of a criminal case, matter or proceeding;

"party" includes both the party to the criminal case or matter and an Attorney-at-law on record for that party unless any rule specifies or it is clear from the context that it relates to the accused or to the Attorney-at-law;

"prosecutor" includes the Director of Public Prosecutions, a person acting under and in accordance with the Director of Public Prosecutions' general or special instructions or a police prosecutor who satisfies section 64A of the Police Service Act or, in the case of the private prosecution of an offence, the person prosecuting that offence;

Chap. 15:01 (as amended by Act No. 12 of 2023)

"summary offence" has the same meaning as in the Summary Courts Act; and

"trial" in relation to—

(a) an indictable offence, includes a trial by judge alone or trial by jury; and

(b) a summary offence, includes any trial for the determination of a summary offence.

Children Charged Jointly with Adults

1.5 (1) In circumstances where a child has been charged jointly with an adult, a Court shall immediately refer the matter to the Children Court to determine jurisdiction under section 25 of the Family and Children Division Act, 2016.

Act No. 6 of 2016

(2) In relation to a matter to which the Administration of Justice (Indictable Proceedings) Act, 2011 applies, the issue of jurisdiction shall be referred by the Master to the Children Court at the initial hearing.

Act No. 20 of 2011

(3) In relation to a summary matter, the issue of jurisdiction shall be referred by the District Court Judge to the Children Court before hearing the complaint or issuing an order under Part IV of the Summary Courts Act.

Chap. 4:20

(4) Notwithstanding sub-rules (1) to (3), the Court may deal with any urgent applications such as bail and medical issues before referring to the Children Court.

(5) In exercising its jurisdiction under section 25(1A) of the Family and Children Division Act, 2016, the Children Court may order, within 21 days of the matter being referred under sub-rule (1), that—

(a) the children matter be severed from the matter in respect of the adult;

(b) the matter is not a children matter and is to be dealt with by the referring Court; or

(c) notwithstanding any order under paragraph *(b)*, a process, programme, rule, procedure, restriction, supervision or special measures which apply to a children matter, would also apply to the accused child.

(6) In exercising its jurisdiction, the Children Court, in addition to the factors for considerations under section 25(1B) of the Family and Children Division Act, 2016 may consider whether–

(a) separate trials for the child and the adult will cause injustice to witnesses or to the case as a whole; and

(b) the use of special measures, programmes or other support is sufficient for the child to be dealt with fairly, without severing the matter.

(7) If an order is made under sub-rule (5)*(a)* to sever, the matter in respect of the child shall be transferred by the referring Court to the Children Court.

(8) If an order is made under sub-rule (5)*(b)*, the matter in respect of the child shall be dealt with by the referring Court subject to—

(a) applicable laws relating to children and the hearing of a children charge matter;

(b) the Children Court Rules being applied to the hearing of the children charge matter;

(c) special measures applicable to children being afforded to the child; and

(d) process, programme, rule, procedure, restriction, supervision or measures ordered by the Children Court under sub-rule (5)*(c)*.

(9) In this rule, "referring Court" means the Court from which the matter has been referred to the Children Court, including the Criminal Court or the District Criminal and Traffic Court.

PART 2—POWERS, AUTHORITY AND JURISDICTION OF MASTERS AND REGISTRARS

Powers, authority and jurisdiction of Masters

2.1 (1) Subject to sub-rule (2), a Master shall have power to transact all such business and exercise all such authority and jurisdiction as may be transacted or exercised by a Judge in respect of all criminal matters, including—

Chap. 4:60

(a) applications for bail under the Bail Act;

Chap. 6:53

(b) applications for exemption from jury service under the Jury Act;

(c) hearing and determination of summary offences as may be provided for in any written law or directed by the Chief Justice; and

(d) the conduct of case management hearings on the direction of the Judge to whom the case is assigned.

(2) A Master shall not exercise any authority or jurisdiction in respect of the following:

(a) trials of indictable offences;

(b) proceedings for the grant of an injunction or other order under section 23(5) of the Supreme Court of Judicature Act; Chap. 4:01

(c) applications for judicial review or an application for a writ of *habeas corpus*;

(d) applications for an order of committal in civil proceedings;

(e) appeals from Registrars;

(f) applications under section 34 of the Supreme Court of Judicature Act, for leave to institute legal proceedings;

(g) such business, authority and jurisdiction as the Chief Justice may from time to time, direct to be transacted or exercised only by a Judge; and

(h) proceedings in respect of which jurisdiction is given by any enactment specifically to a Judge and in which the decision of the Judge is final.

Powers, authority and jurisdiction of the Registrar

2.2 The Registrar shall, in relation to criminal proceedings, have power to transact all such business and exercise all such authority and jurisdiction as may be transacted and exercised by a Master in respect of the following matters, that is to say:

(a) issuing of search warrants;

(b) receiving complaints on oath;

(c) issuing of summonses;

(d) issuing of warrants of apprehension;

(e) applications for bail under the Bail Act; Chap. 4:60

(f) taking recognizances;

(g) remanding an accused person into custody;

(h) such other matters as may be provided under any Act, rule or practice direction.

PART 3—THE OVERRIDING OBJECTIVE

The overriding objective

3.1 The overriding objective is to deal with criminal matters justly.

General duty of the Court and parties

3.2 It is the duty of the Court and all parties and participants, at every stage of proceedings where the context so requires, to further the overriding objective.

Dealing with a criminal case justly

3.3 Dealing with a criminal matter justly includes—

(a) dealing with the prosecution and the defence fairly;

(b) ensuring the protection of all the rights of an accused person;

(c) considering the interests of the accused, witnesses, victims and jurors and keeping them informed of the progress of the matter, as necessary;

(d) dealing with the matter efficiently and expeditiously;

(e) ensuring that appropriate information is available to the Court, particularly when bail or sentence is under consideration; and

(f) dealing with the matter in ways that take into account—

(i) the gravity of the offence;

(ii) the complexity of what is in issue;

(iii) the consequences for an accused and others who may be affected;

(iv) the needs of other matters; and

(v) allotting to the matter an appropriate share of the Court's resources, while taking into account the need to allot resources to other matters.

Application by the Court of the overriding objective

3.4 The Court must seek to give effect to the overriding objective when it—

(a) exercises any discretion given to it by these Rules; or

(b) interprets the meaning of any rule or practice direction.

Duty of parties

3.5 (1) Each party shall—

(a) actively assist the Court in fulfilling its duty under rule 3.1 whether or not the Court has made a direction; and

(b) apply for a direction if needed.

(2) It is the duty of the participants in a criminal matter to—

(a) prepare and conduct the matter in accordance with the overriding objective;

(b) comply with these Rules, practice directions, orders and directions made or given by the Court; and

(c) immediately inform the Court and all parties of any significant failure (whether or not that participant is responsible for that failure) to take any procedural step required by these Rules, practice directions or any orders or directions made by the Court.

(3) In fulfilling the duty under this rule each party shall—

(a) comply with the Rules, practice directions, orders and directions made or given by the Court;

(b) take every reasonable step to make sure its witnesses attend when needed;

(c) make appropriate arrangements to present any written or other material;

(d) promptly inform the Court and the other parties of anything that may—

(i) affect the date or duration of the trial or proceedings; or

(ii) significantly affect the progress of the case in any other way; and

(e) provide the Court at all earliest opportunity, with all relevant personal and contact information that is necessary for the proper management of the proceedings.

Who may carry out duty of a party

3.6 Under these Rules, unless the context makes it clear that something different is meant, anything that a party may or shall do, may be done—

(a) by an Attorney-at-law on that party's behalf;

(b) by a person with the company's written authority, if that party is a company; and

(c) subject to any other written law, with the help of a parent, guardian or other adult as the Court may determine, if that party is an accused—

(i) who is a child; or

(ii) whose understanding of what the case involves is limited.

PART 4—CRIMINAL PROCEDURE—SUMMARY COURT

Application of this Part

4.1 The Rules of this Part, unless the context otherwise requires, apply in all criminal cases in the Summary Courts.

Starting a prosecution in the Summary Court

Chap. 4:20

Chap 12:01

4.2 This Part applies to a Summary Court if—

(a) proceedings have been instituted against an accused in accordance with Part III of the Summary Courts Act; or

(b) proceedings have been instituted against an accused in accordance with Part I of the Administration of Justice (Indictable Proceedings) Act 2011, and a Master orders that the matter be transferred to the Summary Court; or

(c) a person who is in custody appears before a District Court Judge charged with an offence.

Complaint

4.3 (1) A complainant who wants the Court to issue a summons must—

(a) file a complaint, lay or prefer an information in writing in the Court office; or

(b) make an oral or written application to the Court.

(2) A complainant who wants the Court to issue a warrant must—

(a) file a complaint, lay or prefer on the Court office—

(i) an information in writing; or

(ii) a copy of a complaint that has been issued; or

(b) present to the Court either the complaint or the information.

(3) A single document may contain–

(a) more than one information; or

(b) more than one complaint.

(4) Subject to any other written law, if an offence can be tried only in the Summary Court, then a complainant must file a complaint or information in the Court office not more than 6 months after the date of the alleged offence.

Allegation of offence in complaint/ information

4.4 (1) An allegation of an offence in a complaint, information or charge must contain—

(a) a statement of the offence that—

(i) describes the offence in ordinary language; and

(ii) identifies any written law that creates it; and

(b) such particulars of the conduct constituting the commission of the offence so as to make clear what the complainant alleges against the accused.

(2) More than one incident of the commission of the offence may be included in the allegation if those incidents, taken together, amount to a course of conduct having regard to the time, place or purpose of commission.

Summons/ warrant

4.5 (1) The Court may issue or recall a summons—

(a) without giving the parties an opportunity to make representations; and

(b) without a hearing, or at a hearing in public or in private.

(2) If appropriate, the Court may inform such parties and participants that it has done so as the Court may deem necessary.

(3) A summons or warrant may be issued in respect of more than one offence.

(4) A summons must—

(a) contain notice of when and where the accused is required to attend the Court;

(b) specify each offence in respect of which it is issued; and

(c) identify—

(i) the Court that issued it, unless that is otherwise recorded by the Court officer; and

(ii) the Court office that issued it.

(5) A summons may be contained in the same document as complaint or information or must be accompanied by the complaint or information.

(6) If the Court issues a summons—

(a) the complainant must—

(i) serve it on the accused; and

(ii) notify the authorised officer; or

(b) the authorised officer must—

(i) serve it on the accused; and

(ii) notify the complainant.

(7) Subject to any other written law a replacement summons may be issued without a fresh information or complaint if the one replaced—

(a) was served by leaving or posting it under rule 16.4 (documents that must be served only by handing them over, leaving or posting them); but

(b) is shown not to have been received by the addressee.

(8) A summons issued to child accused may require the accused's parent or guardian to attend the Court with the accused, or a separate summons may be issued for that purpose.

(9) A summons may be issued to secure the attendance of the complainant, notwithstanding that the Court has received either a reasonable excuse for non-attendance of the complainant or other sufficient reason and has adjourned the hearing.

Bail Hearings before the District Court Judge

4.6 In the exercise of the power to remand the accused into custody for the purpose of considering bail, the District Court Judge may grant a single adjournment for a period not exceeding two days.

Providing initial details of the prosecution case

4.7 (1) The complainant must file initial details of the prosecution's case with the Court office—

(a) as soon as practicable; and

(b) in any event, no later than the commencement of the first hearing.

(2) Whether or not an accused request the initial details, the complainant must provide them to the accused or accused's Attorney-at-law—

(a) as soon as practicable; and

(b) in any event, no later than the commencement of the first hearing.

Content of initial details

4.8 Initial details of the prosecution case must include—

(a) a summary of the evidence on which that case will be based;

(b) any document or extract setting out facts or other matters on which that case will be based; or

(c) any combination of such a summary, statement, document, extract or criminal record, if any.

Part 4—Criminal Procedure—High Court

Application of this Part

5.1 (1) This Part applies to proceedings instituted under the Administration of Justice (Indictable Proceedings) Act, 2011.

(2) In this Part, "the Act" means the Administration of Justice (Indictable Proceedings) Act, 2011.

Act No. 20 of 2011

Method of instituting proceedings

5.2 Criminal proceedings may be instituted in the High Court by—

(a) a complaint on oath;

(b) a complaint on oath requesting summons or warrant;

(c) a complaint without an oath;

(d) a complaint with or without oath by person other than a police officer;

(e) an indictment without a complaint;

(f) an order of the District Court Judge and a Notice of the Registrar under section 32A of the Administration of Justice (indictable Proceedings) Act.

Notice of complaint to Director of Public Prosecutions

5.3 If a complaint is made by a person other than the police officer, the Court shall send a notice of the complaint and any summons or warrant issued by the Master to the Director of Public Prosecutions.

Procedure on filing complaint on oath

5.4 (1) If a complainant has filed a complaint on oath, the complainant may apply to the Court for a summons or warrant to compel the appearance of the accused.

(2) The Court may on review of the application—

(a) order the issue of a summons or warrant;

(b) request further information from the complainant with or without a hearing;

(c) refuse the issue of a warrant but order the issue of a summons; or

(d) refuse the issue of a summons or warrant and dismiss the complaint.

Procedure on filing complaint without oath

5.5 (1) If a complainant has filed a complaint without oath, the complainant may apply to the Court for a summons to be issued to compel the appearance of the accused.

(2) The Court may on review of the application—

(a) order the issue of a summons;

(b) request further information from the complainant with or without a hearing; or

(c) refuse the issue of a summons and dismiss the complaint.

Issue of warrant when indictment filed

5.6 If the Director of Public Prosecutions, without a complaint having been made, files an indictment under section 6(2) of the Act, the Master shall issue a warrant of apprehension for the appearance of the accused before the Master.

Particulars of conduct

5.7 (1) An allegation of an offence in a complaint with or without oath must contain—

(a) a statement of the offence that—

(i) describes the offence in ordinary language; and

(ii) identifies any written law that creates it; and

(b) such particulars of the conduct constituting the commission of the offence so as to make clear what the complainant alleges against the accused.

(2) More than one incident of the commission of the offence may be included in the allegation if those incidents, taken together, amount to a course of conduct having regard to the time, place or purpose of commission.

Form and Content of the Indictment

5.8 (1) An indictment shall be filed in the form and manner issued in practice directions.

(2) An indictment shall, in respect of each offence charged on the indictment, include—

(a) a statement of offence;

(b) the particulars of the charge.

(3) Each offence charged on an indictment may be referred to as a count.

(4) Rules 4 to 24 apply to the content of an indictment, as applicable, without prejudice to the validity or sufficiency of any indictment which includes a statement of offence and particulars of the offence charged and thereby satisfies section 13 of the Criminal Procedure Act.

(5) Figures and abbreviations may be used in an indictment for expressing anything which is commonly expressed thereby.

(6) The commencement of the indictment should be in the following form:

"THE STATE *vs* A.B.
In the Supreme Court of Trinidad and Tobago
North Trinidad [or South Trinidad or Tobago, as the case may be].
INDICTMENT BY THE DIRECTOR OF PUBLIC PROSECUTIONS
[or INDICTMENT BY C.D.—PRIVATE PROSECUTOR.
A.B. is charged with the following offence (offences)—".

(7) An indictment shall include a statement of the offence charged or each count which—

(a) is a concise statement of each offence charged on an indictment; and

(b) includes a reference to the section of the Act creating the offence, if the offence charged is one created by an Act.

(8) The statement of offence should be stated—

(a) plainly, concisely and definitely;

(b) in ordinary language, avoiding as far as possible the use of technical terms; and

(c) without necessarily stating all the essential elements or details of the offence.

(9) The particulars of the charge shall state the essential information which constitute an offence charged including—

(a) the name of the accused or, if not known, a description of the accused by any name or description by which the accused can be identified with reasonable certainty;

(b) the date or time period and place that each offence charged occurred, in as much detail as possible;

(c) the place, including a virtual location or platform where the offence charged occurred, in as much detail as possible.

(10) The particulars of the charge shall be stated –

(a) plainly, concisely and definitely; and

(b) in ordinary language, without necessarily using technical terms.

(11) If any rule of law or any Act limits the particulars of an offence which are required to be given in an indictment, nothing in this rule shall require any more particulars to be given than those so required.

(12) Charges for any offences may be joined in the same indictment if those charges—

(a) are founded on the same facts;

(b) form a series of offences of the same or a similar character; or

(c) form a part of a series of offences of the same or a similar character.

(13) If an indictment contains more than one count—

(a) the counts shall be numbered consecutively; and

(b) the particulars of the charge, for each count, are to be set out in a separate paragraph in the indictment.

(14) If a written law constituting an offence states the offence to be the doing or the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of any different intentions, or states any part of the offence in the alternative, the acts, omissions, capacities or intentions, or other matters stated in the alternative in the written law, may be stated in the alternative in the count charging the offence.

(15) It shall not be necessary in any count charging a statutory offence, to negative any exception or exemption from or qualification to the operation of the Act creating the offence.

(16) The description of property in a count in an indictment shall be in ordinary language and such as to indicate with reasonable clearness the property referred to, and if the property is so described it shall not be necessary (except when required for the purpose of describing an offence depending on any special ownership of property or special value of property) to name the person to whom the property belongs or the value of the property.

(17) Where property is vested in more than one person, and the owners of the property are referred to in an indictment, it shall be sufficient to describe the property as owned by one of those persons by name with others, and if the persons owning the property are a body of persons with a collective name, such as "Inhabitants", "Trustees", "Commissioners", or "Club" or other such name, it shall be sufficient to use the collective name without naming any individual.

(18) The description or designation in an indictment of the accused person, or of any other person to whom reference is made therein, shall be such as is reasonably sufficient to identify the accused, without necessarily stating the accused's correct name, or the accused's abode, style, degree, or occupation; and if, owing to the name of the person not being known, or for any other reason, it is impracticable to give such a description or designation, such description or designation shall be given as is reasonably practicable in the circumstances, or such person may be described as "a person unknown".

(19) If it is necessary to refer to any document or instrument in an indictment, it shall be sufficient to describe it by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy thereof.

(20) Subject to any other provisions of these Rules, it shall be sufficient to describe any place, time, thing, matter, act or omission whatsoever to which it is necessary to refer in any indictment, in ordinary language in such a manner as to indicate with reasonable clearness the place, time, thing, matter, act, or omission referred to.

(21) It shall not be necessary in stating any intent to defraud, deceive, or injure to state an intent to defraud, deceive or injure any particular person where the written law creating the offence does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the offence.

(22) All indictments shall be signed by the Director of Public Prosecutions or any prosecutor acting under and in accordance with the general or special instructions of the Director of Public Prosecutions.

(23) In cases in which, under any existing Act, any party injured or complaining prosecutes privately, the indictment shall be signed by such party and not by the Director of Public Prosecutions.

(24) An indictment may be signed electronically and nothing in these or any other Rules shall be construed as precluding or invalidating an indictment that is signed by electronic means.

The Scheduling Order

5.9 (1) If the Court makes a Scheduling Order it may also, whenever practicable, specify the consequences of failure to comply with the Order.

(2) A party or the Legal Aid and Advisory Authority may apply for an extension of time to comply with any direction given in a Scheduling Order—

(a) on or before the date specified in the Scheduling Order, in the case of—

(i) witness statements;

(ii) the retention of an Attorney-at-law by the accused; or

(iii) the provision of legal aid to the accused by the Legal Aid and Advisory Authority; or

(b) at least fourteen (14) days before the sufficiency hearing, in the case of any other direction given in the Scheduling Order.

(3) An application under sub-rule (2) may be made in writing or orally and must be supported by evidence.

(4) If an application under sub-rule (2) is made in writing, it must be issued to all parties to the proceedings.

(5) If a party who fails to comply with a direction of the Court, applies for, but does not obtain an extension of time or does not apply for an extension of time, the Court may—

(a) extend the time for compliance or vary the order as it sees fit;

(b) in the case of non-compliance, proceed with the sufficiency hearing;

(c) in the case of non-compliance by the prosecution, discharge the accused;

(d) if appropriate, direct the appointment of a Public Defender for the accused; or

(e) take any other action in accordance with the Act or under any other written law.

Conduct of Sufficiency Hearing

5.10 (1) This rule applies to sufficiency hearings conducted by Masters in criminal proceedings, including where the context so admits, a hearing held following the compliance with all directions contained in a Scheduling Order for the purposes of case management in anticipation of a sufficiency hearing.

(2) The general rule is that a sufficiency hearing shall be held on the basis of written submissions only, unless the Court otherwise directs.

(3) Notwithstanding sub-rule (2), the Master may direct the attendance of parties or witnesses at a sufficiency hearing.

(4) In deciding whether to issue a direction for the attendance of parties or witnesses, the Master may consider—

(a) any potential or real prejudice to the parties caused by the parties not being present at the sufficiency stage;

(b) any potential or real prejudice to the parties caused by witnesses not being present at the sufficiency stage;

(c) the location and personal circumstances of the witness;

(d) the costs that would be incurred if the witness were to attend;

(e) the nature of the witness' anticipated evidence;

(f) the nature and seriousness of the offence;

(g) the age or immaturity of the witness;

(h) the physical disability or mental disorder of the witness;

(i) any trauma suffered by the witness;

(j) the vulnerability of the witness;

(k) the witness being a virtual complainant in proceedings for a sexual offence; and

(l) any other factors which the Court considers relevant.

Production of original statements or exhibits

5.11 (1) If a copy of a statement, other documentary evidence or exhibit is produced, the Court may, in the interest of justice, order the production of the original statement, other documentary evidence or exhibit by the prosecution, upon application by the accused.

(2) An application under sub-rule (1), may be made in writing or orally and must be supported by evidence.

(3) In determining whether the interest of justice requires the production of an original statement, other documentary evidence or exhibit, the Court must have regard to—

(a) whether the copy produced was independently certified as a true copy of the original;

(b) the chain of custody of the original, including its location at the time of the sufficiency hearing;

(c) any irregularity or apparent tampering identifiable in the copy produced;

(d) any prejudice or risk of prejudice which may accrue to the accused as a consequence of non-production of the original; and

(e) the nature of the exhibit and whether it is in dispute.

(4) If the Court orders the production of an original statement, other documentary evidence or exhibit, it shall direct the prosecution or accused to produce the statement, documentary evidence or exhibit at a given location within a specified time period.

(5) If the prosecution fails or neglects to produce an original statement, other documentary evidence or exhibit in accordance with sub-rule (1), the copy produced shall be inadmissible in the proceedings and shall be struck from the record.

Mode of attendance at Sufficiency Hearing

5.12 (1) If a Master directs the attendance of parties or witnesses at a Sufficiency Hearing, the Master shall consider the most efficient mode of attendance.

(2) A sufficiency hearing may be held virtually, in person or as a hybrid hearing.

Sufficiency hearing held in camera

5.13 (1) A Master may, upon application or otherwise, order that a sufficiency hearing be held in camera for part of or the entire duration of the hearing.

(2) Notwithstanding sub-rule (1), a sufficiency hearing held in respect of the following matters shall be held in camera:

(a) sexual offences;

(b) matters involving children;

(c) domestic violence; and

(d) human trafficking.

Limitations on Oral Submissions at the Sufficiency Hearing

5.14 The Master shall impose reasonable limits on oral submissions during the sufficiency hearing.

Procedure on plea of guilty at sufficiency hearing

5.15 (1) This rule applies if—

(a) the accused who is represented by an Attorney-at-law pleads guilty; and

(b) the Court is satisfied that the plea represents a clear acknowledgement of guilt.

(2) If an accused who wishes to plead guilty is unrepresented, the Court shall appoint an Attorney-at-law with or without the consent of the accused.

(3) The Court shall record—

(a) the statement of guilt; and

(b) the accused's response to the question under section 28 of the Administration of Justice (Indictable Proceedings) Act, 2011 concerning the accused's wish for witnesses to appear to give evidence,

in the manner or form designated by the Judiciary for that purpose.

PART 6—BAIL

Bail Act Chap 4:60 Bail—Generally

6.1 (1) At the time of issuing an arrest warrant, the Court may set terms and conditions of bail.

(2) The terms and conditions referred to in sub-rule (1) shall be endorsed on the warrant and the officer in charge of the police station to which the accused is taken shall arrange for the accused's release on bail in accordance with those terms and conditions.

Bail at initial hearing

6.2 (1) If the accused appears at the initial hearing and the issue of bail was not previously considered, the Court shall consider the issue of bail and make a determination on whether bail will be granted.

(2) If bail is refused at the initial hearing, the accused may apply to the Court presiding over the initial hearing, for reconsideration of bail.

(3) An application referred to in sub-rule (2) may be made if there is a relevant change in circumstances. The application may be made orally at a hearing or at any other time by use of the Form as issued by practice directions.

(4) Any appeal against a decision of a Master to grant or refuse bail shall lie to the Court of Appeal.

Commissioner of Prisons responsible for ensuring bail application is transmitted

6.3 (1) If an accused is in custody and is unrepresented by an Attorney-at-law, the Commissioner of Prisons shall be responsible for ensuring that the application for bail or appeal against the order of the Court, is transmitted to the appropriate Court office within two (2) days.

(2) The Court office must, upon receipt of an application referred to in sub-rule (1)—

(a) forward a copy of the application to the Director of Public Prosecutions;

(b) fix a date, time and place to hear the application; and

(c) give notice of the date, time and place to—

(i) the accused;

(ii) the Director of Public Prosecutions; and

(iii) if the accused is in custody, the Commissioner of Prisons.

Accused's application or appeal to the High Court after Summary Court's bail decision

6.4 (1) This rule applies if an accused wants to—

(a) apply to the High Court for bail after a Summary Court has withheld bail; or

(b) appeal to the High Court after a Summary Court has refused an application to vary a condition of bail.

(2) An accused must—

(a) apply to the High Court in writing as soon as practicable after the decision of the Summary Court under sub-rule (1); and

(b) give notice to—

(i) the Registrar;

(ii) the Magistracy Registrar and Clerk of the Court; and

(iii) the prosecutor.

(3) The application must—

(a) specify—

(i) the decision that the accused wants the High Court to make;

(ii) each offence charged; and

(iii) any surety affected or proposed;

(b) explain or indicate—

(i) as appropriate, why the High Court should not withhold bail, or why it should vary the condition under appeal; and

(ii) what further information or legal argument, if any, has become available since the District Court Judge's Court's decision;

(c) propose the terms of any suggested condition of bail; and

(d) if the accused wants an earlier hearing than paragraph (6) requires, request same, and explain why it is needed.

(4) The Magistracy Registrar and Clerk of the Court or Registrar as the case may be, must as soon as practicable provide to the High Court—

(a) a copy of the note or record made in connection with the Summary Court's decision; and

(b) the date of the next hearing, if any, in the Summary Court.

(5) A prosecutor who opposes the application must—

(a) notify the Registrar of the objection together with the reasons for same; and

(b) ensure the notice is filed in the proceedings and served on the defence.

(6) Unless the High Court otherwise directs, the Court officer must arrange for the Court to hear the application or appeal as soon as practicable.

Prosecutor's application or appeal to the High Court after Summary Court bail decision

6.5 (1) The prosecutor must inform the Court of the intention to appeal by—

(a) oral statement to the Court at the hearing; or

(b) filing a notice with the Magistracy Registrar and Clerk of the Court.

(2) The appeal notice must specify—

(a) each offence with which the accused is charged;

(b) the decision under appeal;

(c) the reasons given for the grant of bail; and

(d) the grounds of appeal.

(3) On an appeal to the High Court, the Magistracy Registrar and Clerk of the Court shall transmit to the Registrar the following:

(a) the appeal notice;

(b) a copy of the note or record made of the bail decision; and

(c) notice of the date of the next hearing in the Court which has granted bail.

(4) The Registrar shall list the application for hearing soon as practicable.

(5) The prosecutor may at any time prior to the hearing of the appeal, abandon the appeal without the Court's permission by filing a written notice of abandonment, signed by the prosecutor and served on the accused and the Magistracy Registrar and Clerk of the Court.

(6) After the hearing of the appeal begins, the prosecutor may only abandon the appeal with the High Court's permission.

PART 7—CASE MANAGEMENT

Application of this Part

7.1 This Part applies to both the High Court and Summary Court in criminal proceedings.

Duty of the Court

7.2 The Court shall further the overriding objective by actively managing the case.

Active case management

7.3 (1) Active case management includes—

(a) the early identification of the real issues, which includes–

(i) the identification of all possible legal issues;

(ii) identification of the nature of the defence; and

(iii) enquiring whether the defence has taken written instructions;

(b) the early identification of the needs of witnesses or accused, including special measures for testimony including interpretation and translation services;

(c) achieving certainty as to what shall be done, by whom, and when, in particular, by the early setting of a timetable for the progress of the case;

(d) monitoring the progress of the case and compliance with directions;

(e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;

(f) discouraging delay, dealing with as many aspects of the case as possible on the same occasion, and avoiding unnecessary hearings;

(g) encouraging the participants to co-operate in the progression of the case;

(h) making use of technology;

(i) making enquiries into relevant personal details and contact information of an accused, at the earliest opportunity; and

(j) any other matter the Court deems necessary.

(2) The Court shall actively manage the case by giving any direction appropriate to the needs of that case as early as possible.

Case progression officers and their duties

7.4 (1) At the commencement of proceedings each party must, unless the Court otherwise directs—

(a) specify a person responsible for progressing that case; and

(b) inform other parties and the Court who that person is and how to contact that person.

(2) In fulfilling its duty under rule 7.2, the Court must, if appropriate—

(a) nominate a Court officer responsible for progressing the case; and

(b) ensure the parties know who the case progression officer is and how to contact the case progression officer.

(3) A person nominated under this rule means a case progression officer.

(4) A case progression officer must—

(a) monitor compliance with directions;

(b) ensure that the Court is kept informed of events that may affect the progress of that case;

(c) be accessible and able to be contacted promptly about the case during ordinary business hours;

(d) act promptly and reasonably in response to communications about the case and,

if unavailable, make necessary arrangements for another case progression officer to fulfil the case progression duties and inform the other case progression officers and parties.

The Court's case management powers

7.5 (1) In fulfilling its duty under rule 7.2, the Court may give any direction and take any step to actively manage a case.

(2) In particular, the Court may—

(a) give a direction on its own initiative or on application by a party;

(b) ask or allow a party to propose a direction;

(c) for the purpose of giving directions, receive applications and representations by letter, by telephone or by any other means of electronic communication, and conduct a hearing by such means;

(d) fix, postpone, bring forward, extend, cancel or adjourn a hearing;

(e) give directions without a hearing;

(f) shorten or extend (even after it has expired) a time limit fixed by a direction;

(g) if an order is made under section 25(1) of the Administration of Justice (Indictable Proceedings) Act, 2011 schedule a hearing—

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(i) to ensure that section 26 of the Administration of Justice (Indictable Proceedings) Act, 2011 is satisfied; and

(ii) to address any matter concerning the progress of the case after the sufficiency hearing;

(h) require that issues in the case including any issues of admissibility of evidence, should be—

(i) identified in writing; or

(ii) determined separately, and decide in what order they will be determined;

(i) require parties to file written submissions, including a no case submission by the defence and reply by the prosecution and serve such submissions and reply on a date or within a period directed by the Court;

(j) make appropriate use of technology, including a case presentation system;

(k) give directions on the documents and evidence to be uploaded onto the case presentation system and the use of the case presentation system at the hearing or trial; or

(l) specify the consequences of failing to comply with a direction.

(3) Any power to give a direction under this Part includes a power to vary or revoke that direction.

(4) If a party fails to comply with a rule or a direction, the Court may fix, postpone, bring forward, extend, cancel or adjourn a hearing.

Hearing questionnaire to be filed

7.6 The Court may require the parties to complete and file a hearing questionnaire in the form issued by the practice direction.

Case preparation and progression

7.7 (1) If a case cannot be concluded at any hearing, the Court may give directions so that it can be concluded at the next hearing, or as soon as possible thereafter.

(2) At every hearing the Court must, where relevant—

(a) decide whether to proceed despite the absence of the accused;

(b) take the accused's plea (unless already done) or if no plea can be taken, then ascertain whether the accused is likely to plead guilty or not guilty;

(c) set, follow or revise a timetable for the progress of the case, which may include a timetable for any hearing including the trial;

(d) in giving directions, ensure continuity in relation to the Court and to the parties' representatives if that is appropriate and practicable; and

(e) if a direction has not been complied with, enquire into the reasons for non-compliance, identify who was responsible, and take appropriate action.

(3) In order to prepare for the hearing, the Court must take every reasonable step—

(a) to encourage and to facilitate the attendance of witnesses when they are needed; and

(b) to facilitate the participation of any person, including the accused.

7.8 (1) The general rule is that—

Use of case presentation system

(a) unless an enactment, any other rule of Court or a practice direction provides otherwise, a case presentation system must be used for the management, use and presentation of all documents and evidence at a sufficiency hearing and at any hearing held after a Master makes a Scheduling Order at an initial hearing; and

(b) if an enactment, any other rule of Court or a practice direction provides otherwise than provided in paragraph *(a)*, any relevant document or evidence must be managed, used or presented—

(i) in accordance with the provisions of that enactment, rule of Court or practice direction;

(ii) in the absence of any provision under sub-paragraph (i), in the manner directed during a directions hearing; or

(iii) in the absence of any provision or direction under sub-paragraphs (i) and (ii), in the manner directed by the Registrar.

Applicable documents and evidence at trial or hearing

(2) Unless an enactment, any other rule of Court or a practice direction provides otherwise, all documents and evidence to be used or presented at a trial or hearing must be uploaded on the case presentation system, including—

(a) the documents which the Master orders to be submitted or filed, by a Scheduling Order made under section 11(2)*(h)* of the Administration of Justice (Indictable Proceedings) Act, 2011;

(b) all documents and evidence, in any form other than oral evidence, which is allowed, admissible, ordered, directed or permitted to be given at the trial or hearing in accordance with these Rules; and

(c) any other document, in any form, which the Court directs to be uploaded to the case presentation system.

Directions on uploading documents

(3) The applicable documents and evidence must be uploaded by the persons as—

(a) directed by the Court at a case management hearing; or

(b) as otherwise required by these Rules or a relevant practice direction.

Guidance and examples of where documents to be uploaded

(4) Practice directions shall set out guidance and examples of evidence and documents that may be uploaded on the case presentation system, as separate documents based on the template sections.

Upload of documents and evidence is not filing or service

(5) The upload of documents and evidence onto the case presentation system does not constitute filing or service of documents and does not satisfy the requirement of any enactment, these Rules, any other rule of Court or any practice direction with respect to filing or service, by physical, electronic or any other means.

Documents to be filed

(6) For the avoidance of doubt, notwithstanding the requirement to upload documents under this Part, the following documents must be filed with the Court office in the manner required in practice directions issued by the Chief Justice or Practice Guides:

(a) an indictment;

(b) a complaint;

(c) a witness statement; and

(d) such other documents as the Court requires to be filed from time to time.

Application to vary a direction

7.9 (1) A party may apply to vary a direction if—

(a) the Court gave it without a hearing;

(b) the Court gave it at a hearing in the party's absence; or

(c) circumstances have changed.

(2) A party who applies to vary a direction must—

(a) apply as soon as practicable after the party becomes aware of the grounds for doing so; and

(b) give as much notice to the other parties as the nature and urgency of the party's application permits.

Agreement to vary a time limit fixed by a direction

7.10 (1) The parties may agree to vary a time limit fixed by a direction, but only if—

(a) the variation will not—

(i) affect the date of any hearing that has been fixed; or

(ii) significantly affect the progress of the case in any other way;

(b) the Court has not prohibited variation by agreement; and

(c) the Court's case progression officer is promptly informed.

(2) The case progression officer must refer the agreement to the Court and notify the parties of the Court's acceptance or rejection of the agreement.

Certificate of Readiness to be filed

7.11 The Court shall require the prosecutor, the accused or their Attorney-at-law to file a certificate of readiness before trial in the forms issued by practice directions.

PART 8—SPECIAL MEASURES

Enquiry for particulars of accused

8.1 The Court shall enquire into the age of a person before the Court, unless the age of a person is known or it may be reasonably presumed that the person,—

(a) is not a child; or

(b) in the case of an accused, was not a child at the time the offence is alleged to have been committed.

Directions for Special Measures

8.2 (1) The Court may give directions for special measures for the taking of evidence of any witness.

(2) If the witness has a physical disability or is vulnerable, the Court may direct that the witness be provided with appropriate mechanisms to enable questions and answers to be communicated to and by the witness.

(3) Special measures may include—

(a) alternative means of giving evidence;

(b) familiarisation with the Court room layout;

(c) the presence of a supporting person;

(d) re-configuration of the Court room;

(e) the provision of interpretation, translation or an intermediary; or

(f) any other measure deemed reasonable and appropriate by the Court.

PART 9—DISCLOSURE OF MATERIAL

Directions from the Court

9.1 Directions given by the Court pursuant to rule 7.5 should include—

(a) fixing a date by which the prosecution must disclose to the accused all the evidence they intend to rely upon at trial;

(b) fixing a date by which the prosecution must disclose any material in its possession that they do not intend to use at trial which materially weakens the prosecution case or assists the accused; and

(c) fixing a date by which the prosecution must confirm if any material in its possession that they do not intend to use at trial, which materially weakens its case or assists the accused, has been served on the accused.

Prosecution to disclose unless the Court orders otherwise

9.2 (1) The prosecution shall disclose material under rule 9.1*(b)*, unless the District Court Judge, Master or Judge orders that such material should not be disclosed in the public interest.

(2) Any application for an order under sub-rule (1) may be made with or without notice to the accused depending on the sensitivity of the material concerned.

(3) An accused person or the accused's Attorney-at-law may make an application to the Court to permit the accused and the accused's Attorney-at-law to inspect and copy relevant prosecution material if not made available under rule 9.1*(b)*.

PART 10—NOTICE OF ALIBI

Particulars of alibi at sufficiency hearing

10.1 The particulars of an alibi that an accused may give to the Court during a sufficiency hearing shall include –

(a) particulars of the time and place where the accused was present when the offence is alleged to have been committed;

(b) the name and address of any witness to the presence of the accused at the time and place referred to in paragraph *(a)*, if known; and

(c) if the name or address of a witness to the alibi is not known, any information that describes or may assist to identify or find the witness.

Written notice of alibi

10.2 A written notice of alibi to the Director of Public Prosecutions shall be in the form issued by practice directions under these Rules.

Proof of service of Notice of Alibi

10.3 A notice under rule 10.2 may be served in a like manner as any other notice or order issued or served by the Court office in criminal proceedings.

PART 11—PRE-TRIAL AND TRIAL MANAGEMENT

Application of this Part

11.1 This Part applies to both the Criminal Court and District Criminal and Traffic Court in criminal proceedings.

Pre-trial hearing

11.2 A pre-trial review shall be held at least one month before the date set for trial, unless otherwise ordered by the Court.

The duty of the Court in trial management

11.3 (1) In order to manage a trial, the Court—

(a) may require a party to identify either orally or in writing—

(i) which witnesses that party wants to give evidence in person;

(ii) the order in which its witnesses are to give evidence;

(iii) whether that party requires an order compelling the attendance of a witness;

(iv) what arrangements or special measures are desirable to facilitate the giving of evidence by a witness;

(v) what arrangements are desirable to facilitate the participation of any other person, including the accused;

(vi) what written or other evidence that party intends to introduce;

(vii) what facts and evidence can be agreed between the parties;

(viii) what other material, if any, that person intends to make available to the Court in the presentation of the case;

(ix) whether that party intends to raise any point of law that could affect the conduct of the trial; and

(x) the relevant disclosure a party requests to be made;

(b) set a timetable for the service of written submissions and lists of authorities that the party intends to rely on;

(c) may limit—

(i) the examination, cross-examination or re-examination of a witness; and

(ii) the duration of any stage of the hearing; and

(d) may make a direction that the case be heard in another Court.

(2) For the purposes of this rule, “facilitate the participation of any person” includes giving directions for the appropriate treatment and questioning of a witness or the accused, especially if the Court directs that such questioning is to be conducted through an intermediary.

(3) If directions for appropriate treatment and questioning are required, the Court may—

(a) invite representations by the parties and by any intermediary; and

(b) set ground rules for the conduct of the questioning.

Trial Directions

11.4 The Court may inquire into and give directions in relation to any matter that may promote a fair and expeditious hearing of the matter including—

(a) the contents of hearing questionnaires and any issues that arise therefrom;

(b) the issues in dispute between the parties;

(c) the possibility of making admissions of fact or other agreements about uncontested issues or the evidence of witnesses;

(d) the simplification of any issues that remain in controversy at trial;

(e) the resolution of any outstanding disclosure issues;

(f) the nature and particulars of any pre-trial application under these rules including but not limited to—

(i) whether memoranda or written submissions should be required for pre-trial applications and the schedule set for their filing and service;

(ii) whether time limits should be imposed for oral arguments of applications; and

(iii) whether evidence may be provided by Agreed Statements of Facts, or otherwise than by the oral testimony of witnesses;

(g) the possibility that the parties will consent to a judge other than the trial judge hearing and deciding the pre-trial applications and incorporating any rulings made into the trial record to permit appellate review;

(h) the possibility that the prosecutor may reduce the number of counts in the indictment to facilitate jury comprehension and promote a fair, just and expeditious trial;

(i) the manner in which evidence may be presented at trial to facilitate jury comprehension;

(j) the necessity of the assistance of interpreters for any accused or witness in the proceedings;

(k) the necessity of any technological equipment to facilitate the introduction of evidence at trial or jury comprehension of the evidence;

(l) the estimated length of pre-trial applications and trial proceedings; and

(m) the advisability of fixing a date for commencement of pre-trial applications and trial proceedings.

Part 12—Progress of a Jury Trial in the High Court

Order of trial proceedings in the High Court

12.1 The order of trial proceedings in the High Court if the accused has elected a trial by Judge and jury shall be as follows:

(a) the charge shall be read to the accused;

(b) the accused shall be called upon to plead;

(c) if the accused pleads not guilty, the Court shall hear and determine any motions and evidential applications; and

(d) the jury shall be empanelled and the trial shall be conducted.

Judge may hear motions in the interest of Justice

12.2 Notwithstanding sub-rule 12.1*(c)*, in the interest of justice, the Judge may hear any motion or evidential application after the jury is empanelled.

Part 13—Conduct of Trials

Application of Part

13.1 (1) Subject to any other written law, the general rule is that trials must be conducted in public.

(2) The Court may exercise any power to—

(a) impose reporting restrictions;

(b) withhold information from the public; or

(c) order a hearing in private.

(3) Unless the Court otherwise directs, only the following persons may attend a hearing in a Court if a child is tried:

(a) the parties and their legal representatives;

(b) an accused's parents, guardian or other adult;

(c) a witness; and

(d) anyone else directly concerned in the case.

Procedure on plea of not guilty

13.2 (1) This rule applies if the accused has—

(a) entered a plea of not guilty; or

(b) not entered a plea.

(2) If a not guilty plea was taken on a previous occasion, the Court must ask the accused to confirm that plea.

(3) The prosecution—

(a) may summarise its case, identifying the relevant law and facts; and

(b) must introduce the evidence on which it relies.

(4) At the conclusion of the case for the prosecution, on the application of the accused or on its own initiative, the Court—

(a) must acquit if it forms a view that a *prima facie* case has not been made out and the prosecution evidence is insufficient for any reasonable Court properly to convict, but it may not do so unless the prosecution has had an opportunity to make representations; and

(b) must inform the accused or the accused's Attorney-at-law of the right to address the Court at the commencement or conclusion of the accused's case.

(5) The Court must explain—

(a) in terms the accused can understand (with help, if necessary) of the right to give evidence; and

(b) that the accused may introduce evidence.

(6) A party may introduce further evidence if it is then admissible.

(7) If a party wants to introduce evidence or make representations after that party's opportunity to do so has passed, the Court—

(a) may refuse to receive any such evidence or representations; and

(b) must not receive any such evidence or representations after it has announced its verdict.

(8) If the District Court Judge, Master or Judge sitting alone convicts or acquits the accused, it must give sufficient reasons for its decision.

Evidence of a witness in person

13.3 (1) This rule applies if a party wants to introduce evidence by calling a witness to give that evidence in person.

(2) Unless the Court otherwise directs—

(a) a witness waiting to give evidence must not wait in the Courtroom, unless that witness is—

(i) a party; or

(ii) an expert witness;

(b) a witness who gives evidence in the Courtroom must do so from the place provided for that purpose or in some other place as directed by the Court; and

(c) a witness' address must not be given unless it is relevant to an issue in the case.

(3) Unless any written law otherwise provides, before giving evidence, a witness must take an oath or affirm.

(4) The examination of a witness must be done in the following sequence:

(a) the party who calls a witness must ask questions in examination-in-chief;

(b) every other party may ask questions in cross-examination; and

(c) the party who called the witness may ask questions in re-examination, and the Court has a discretion to allow questions outside of the above sequence.

(5) The Court may—

(a) ask a witness questions for the purpose of clarification; and

(b) if the accused is not represented, may ask any question necessary in the interest of the accused.

Evidence by admission

13.4 (1) This rule applies if—

(a) a party introduces in evidence a fact admitted by another party; or

(b) parties jointly admit a fact.

(2) Unless the Court otherwise directs, a record must be made of the admission.

Procedure on plea of guilty

13.5 (1) This rule applies if the accused pleads guilty.

(2) The prosecution must summarise the prosecution's case against the accused to the Court.

(3) If the Court is satisfied that the plea represents a clear acknowledgement of guilt, then the Court may convict the accused without receiving evidence.

Application to withdraw a guilty plea

13.6 (1) This rule applies if the accused wants to withdraw a guilty plea.

(2) The accused must apply to do so—

(a) as soon as practicable after becoming aware of the reasons for doing so; and

(b) before sentence.

(3) The application may be in writing and if it is in writing, the application must be—

(a) filed in the Court office; and

(b) served on the prosecutor.

(4) The application must—

(a) explain why it would be unjust not to allow the accused to withdraw the guilty plea;

(b) identify—

(i) any witness that the accused wants to call; and

(ii) any other proposed evidence; and

(c) state whether the accused waives legal professional privilege, giving any relevant name and date.

(5) The Court shall consider the matters stated in sub-rule (4) and may in its discretion, grant or refuse an application made in accordance with this rule, as the justice of the case requires.

Procedure if the Court convicts

13.7 (1) This rule applies if the Court convicts the accused or the accused is convicted by a jury.

(2) The Court may, if appropriate, exercise its power to require—

(a) a statement of the accused's financial circumstances in the form and on the date as directed by the Court; and

(b) a pre-sentence or probation report.

(3) The prosecution must—

(a) provide information relevant to sentence, including any statement of the effect of the offence on the victim, the victim's family or persons connected to the victim or the offence; and

(b) if it is likely to assist the Court, identify any other matter relevant to sentence, including—

(i) aggravating and mitigating factors;

(ii) the applicable law; and

(iii) any sentencing guidelines, or guideline cases.

(4) If the accused pleads guilty but wants to be sentenced on a different basis to that disclosed by the prosecution—

(a) the Court may require the accused to set out that basis in writing, identifying what is in dispute;

(b) the Court may invite the parties to make representations about whether the dispute is material to the sentence to be imposed on the accused; and

(c) if the Court decides that it is a material dispute, the Court must—

(i) invite such further representations or evidence as it may require; and

(ii) decide the dispute.

(5) Before the Court passes sentence—

(a) the Court must—

(i) give the accused an opportunity to make representations and introduce evidence relevant to sentence; and

(ii) if the accused is a child, give the parents of the accused, guardian or other supporting adult, if present, such an opportunity as well; and

(b) the Court may elicit any further information relevant to sentence that the Court may deem necessary.

(6) If the Court requires more information, it may exercise its power to adjourn the hearing for not more than 28 days at a time.

(7) When the Court has taken into account all the evidence, information and any report available, the Court must—

(a) immediately pass sentence;

(b) when passing sentence, explain the reasons for deciding on that sentence;

(c) when passing sentence, explain to the accused its effect and the consequences of failing to comply with any order including the imposition of a fine;

(d) in circumstances where there is a power to review the sentence, explain to the accused what that means;

(e) give any such explanation in terms the accused, if present, can understand (with help, if necessary); and

(f) consider exercising any power it has to make other orders.

Part 14—Exemption from Jury Service

Applications for exemption from jury service

14.1 (1) Applications for exemption from jury service may be heard by a Judge or a Master.

(2) The Judge or Master may decide the application on the basis of the documentation provided by the applicant without a hearing.

(3) The Judge or Master may, in exercising the discretion to exempt, permit the applicant to make oral submissions.

Application for exemption to be in writing

14.2 An application for exemption must be made in writing, either on the form provided by the Court or by a letter addressed to the Registrar.

Application for exemption—Supporting documents required

14.3 (1) As far as possible, any ground relied upon for exemption, must be supported by documents.

(2) If the applicant relies on medical grounds, the following shall be applicable:

(a) a medical report signed by a registered medical practitioner must be produced; and

(b) if the medical report is handwritten, the handwriting must be legible.

(3) The medical report referred to in sub-rule (2) must include the following information:

(a) the name of the patient;

(b) the length of time the registered medical practitioner has been treating the patient;

(c) the diagnosis and the date on which the diagnosis was first made;

(d) the last date on which the patient was seen by the doctor;

(e) the treatment prescribed by the registered medical practitioner; and

(f) if applicable, whether the patient is able to continue the patient's employment notwithstanding the diagnosed condition or whether the patient requires sick leave and the length of such recommended sick leave.

(4) If the applicant relies on the ground of travel out of the jurisdiction, the following shall be applicable:

(a) a valid ticket or travel itinerary must be provided; and

(b) the ticket must have been booked or purchased before the jury summons was served on the juror.

(5) If the applicant relies on the ground of being a student, the following shall be applicable:

(a) a letter from the school administration indicating that the juror is a full-time student of that institution;

(b) if the student attends school part-time during normal Court hours, a letter from the school administration indicating the times at which the juror must attend classes must be provided; and

(c) if the juror is scheduled to write exams, a valid examination timetable must be provided.

PART 15—APPEALS TO THE COURT OF APPEAL

Application of this Part

15.1 (1) This Part applies to any appeal to the Court of Appeal not being an appeal or application to the Court for which other provision is made by these Rules nor appeals by way of case stated on a question of law for determination by the Court.

(2) This Part must be read in conjunction with sections 42 to 65 of the Supreme Court of Judicature Act. Chap. 4:01

(3) This Part must also be read in conjunction with sections 128 to 155 of the Summary Courts Act. Chap. 4.20

Interpretation

15.2 In this Part—

"appellant" means the party who first files a notice of appeal;

"Court" means the Court of Appeal;

"Court below" means the Court or tribunal from which the appeal is brought; and

"respondent" means any party to the appeal other than the appellant whether or not the respondent files a counter-notice.

Case Management by a single Judge

15.3 A single judge of the Court of Appeal may manage the appeal in accordance with this Part, which may include—

(a) conducting an appeal management conference; and

(b) exercising the powers of case management under these Rules.

Court's duty to manage appeal

15.4 The Court must further the overriding objective by actively managing appeals, which may include—

(a) identifying, at an early stage, the issues to be heard;

(b) promptly identifying which issues may be dealt with without or before the hearing of the appeal, including—

(i) by an application under these Rules; or

(ii) solely on written submission, without oral argument;

(c) promptly dispensing with the issues identified under paragraph *(b)*;

(d) encouraging the parties to co-operate with each other in the conduct of the appeal;

(e) deciding the order in which issues are to be resolved;

(f) fixing timetables or otherwise controlling the progress of the appeal;

(g) dealing with as many aspects of the appeal as is practicable on the same occasion;

(h) dealing with the appeal or any aspect of it without requiring the parties to attend Court, if it appears appropriate to do so;

(i) making appropriate use of technology, including a case presentation system;

(j) giving directions to ensure that the appeal proceeds quickly and efficiently; and

(k) ensuring that no party gains an unfair advantage by reason of the party's failure to give full disclosure of all relevant facts prior to the hearing of any application.

Court's powers of appeal management

15.5 (1) The Court may—

(a) determine what comprises the record of appeal;

(b) give directions on—

(i) the filing of the record of appeal and any other documents that the Court considers relevant to the hearing of the appeal; and

(ii) the documents and evidence to be uploaded onto the case presentation system;

(c) consolidate applications or appeals;

(d) determine two or more applications on the same occasion;

(e) adjourn or bring forward an application or hearing to a specific date;

(f) extend or shorten the time for compliance with any rule, practice direction, order or direction of the Court;

(g) stay the whole or part of any proceedings generally or until a specified date or event;

(h) decide the order in which issues are to be heard or determined;

(i) direct a separate hearing of any issue; and

(j) give any other direction, or make any other order for the purpose of managing the case and furthering the overriding objective.

(2) The Court may exercise the powers of appeal management—

(a) on application; or

(b) on its own initiative.

(3) If the Court exercises the powers of appeal management on its own initiative, it must give a party that is likely to be affected by the exercise of that power, an opportunity to make representations.

Contents of notice of appeal

15.6 (1) A notice of appeal in relation to indictable proceedings must—

(a) set out the decision which is being appealed identifying so far as practicable—

(i) any finding of fact; and

(ii) any finding of law, which the appellant seeks to challenge;

(b) set out the grounds of the appeal;

(c) state what order the appellant is seeking; and

(d) indicate any power which the appellant wishes the Court to exercise.

(2) A copy of the judgment or order which is the subject of the appeal must wherever practicable be attached to the notice of appeal.

(3) If leave to appeal is required a copy of the order giving leave to appeal must be attached to the notice of appeal.

(4) The notice of appeal must—

(a) be signed by the appellant or the appellant's Attorney-at-law;

(b) give a residential or email address for service;

(c) state the names and addresses and the Attorneys-at-law and the Attorneys-at-law addresses for service of all parties affected by the appeal, including the appellant.

(5) The grounds of appeal under paragraph (1)*(b)* must set out concisely, and under distinct heads, and in consecutively numbered paragraphs, the grounds on which the appellant relies without any argument or narrative.

(6) The Court may, with or without an application, strike out any ground which—

(a) is in vague or general terms; or

(b) discloses no reasonable ground of appeal.

(7) The appellant may amend the grounds of appeal once without permission at any time before 28 days have expired from—

(a) receiving notice that a transcript of the evidence and judgment have been prepared; or

(b) the date of any hearing under rule 15.10.

(8) The appellant may not rely on any ground not mentioned in the notice of appeal without the permission of the Court.

(9) The Court—

(a) is not confined to the grounds set out in the notice of appeal; but

(b) must not make its decision on any ground not set out in the notice of appeal unless the parties have had sufficient opportunity to make submissions on that ground.

Chap. 4.20

(10) Part VIII of the Summary Courts Act applies in respect of Notice of Appeal in summary matters.

Time for filing notice of appeal

15.7 The notice of appeal must be filed at the Court office—

(a) within 14 days of the date when the judgment was delivered or the order made; or

(b) if leave is required, within 14 days of the date when such leave was granted.

Service of notice of appeal

15.8 (1) A copy of the notice of appeal must be served forthwith on all parties to the proceedings.

(2) If leave to appeal is required, a copy of the order giving leave must be served with the copy notice of appeal.

15.9 (1) The general rule is that the Court shall fix a date for an appeal management conference immediately upon the filing of the notice of appeal.

Appeal management conference

(2) On the filing of the notice of appeal, the parties will be invited to the matter on the case presentation system.

(3) The rules in Part 7, with respect to the use of a case presentation system apply *mutatis mutandis* to evidence, other than oral evidence, and other documents to be used and presented at any trial or hearing before the Court of Appeal.

(4) The appeal management conference shall take place within eight (8) weeks after the notice of appeal is filed.

(5) A party may apply to the Court to fix a date for an appeal management conference at a time earlier than that provided in sub-rule (1) or (3).

(6) An application under sub-rule (4) may be made without notice but shall state the reasons for the application.

(7) The Court shall fix a date for an appeal management conference on application under sub-rule (4), if it is satisfied that it will enable it to deal with the case justly.

(8) Subject to sub-rule (6), the Court office shall give all parties not less than 14 days' notice of the date, time and place of the appeal management conference.

(9) The Court may with or without an application direct that shorter notice be given—

(a) if the parties agree; or

(b) in urgent cases.

15.10 (1) At the appeal management conference, the Court must fix—

Orders and directions at appeal management conference

(a) a date for the hearing of the appeal or the period within which it is to take place; and

(b) the date on which a listing questionnaire is to be filed by the parties.

(2) The Court must issue to all parties notice of orders and directions made at the appeal management conference.

(3) The Court may not adjourn an appeal management conference without a new date, time and place for the adjourned appeal management conference.

Attendance at appeal management conference

15.11 (1) The following persons must attend the appeal management conference—

(a) the appellant and the respondent, if unrepresented;

(b) the Attorney-at-law who has conduct of the appeal; or

(c) any Attorney-at-law who is fully authorised to represent the interest of either party.

(2) Notwithstanding sub-rule (1), the Court may direct that a party or the party's representative need not attend the appeal management conference.

(3) If the appeal management conference is not attended by the Attorney-at-law, the party or the party's representative, the Court may adjourn the appeal management conference to a fixed date and may exercise any of its appeal management powers under these Rules.

Variation of appeal management timetable

15.12 (1) A party must apply to the Court if he wishes to vary a date which the Court has fixed for—

(a) an appeal management conference;

(b) the return of an appeal listing questionnaire; or

(c) the appeal hearing or hearing period.

(2) The parties may agree to vary a date in the timetable other than a date referred to in sub-rule (1).

(3) If the parties agree, they must—

(a) file a consent application for an order to that effect; and

(b) certify on that application that the variation agreed will not affect the date fixed for the hearing or the period in which the hearing is to take place,

and the timetable is accordingly varied, unless the Court directs otherwise.

(4) If the parties do not agree, the party seeking the variation must apply to the Court before the relevant date.

(5) A party who applies after that date must apply—

(a) for relief from any sanction ordered by the Court; and

(b) for an extension of time when necessary.

Fixing the date for the hearing of the appeal

15.13 (1) The Court office must fix the date of the appeal (or, if it has already done so, confirm that date) and notify the parties as soon as practicable after the date for the filing of the listing questionnaire.

(2) The general rule is that the Court office must give the parties at least 8 weeks' notice of the date of the hearing.

(3) The Court may however give shorter notice, if the parties agree or in urgent cases.

Expedited appeals

15.14 (1) Any party to an appeal may apply for the appeal to be expedited.

(2) If the appeal relates to a children matter, or a matter where a child is charged with an adult, that appeal shall be expedited.

(3) On hearing the application, the Court may give such directions as are appropriate and in particular may direct that any part of rule 15.16 is not to apply or substitute different time limits for any time limits provided by those rules.

Provision of transcripts and notes of evidence, etc. and progress of appeal matter

15.15 (1) The Registrar shall cause a request to be made for copies of all transcripts, notes of evidence and reasons associated with the appeal matter from the Court below within 42 days of the filing of the notice of appeal.

(2) The Court shall give directions with respect to the handling of transcripts, reasons or other record of the notes of evidence or record of proceedings from the Court below.

(3) On giving such directions the Court must specify the dates on which—

(a) the appellant is to file bundles; and

(b) the parties are to file and serve their skeleton arguments.

(4) The Court may proceed with the appeal matter without a transcript, or notes of evidence from the Court below.

Enforcement of time limits

15.16 If a party fails to comply with any directions given under these Rules, then any other party may apply for the notice of appeal or counter-notice, to be struck out or the Court may with or without an application by any party to the appeal direct that notice be issued to the appellant to show cause why the notice of appeal or counter-notice should not be struck out.

Failure of party to attend appeal

15.17 (1) If neither party appears at the appeal the Court may strike out the appeal.

(2) If only one party appears the Court may proceed in the absence of the other.

Application to set aside decision made in party's absence

15.18 (1) A party who was not present at an appeal at which a decision was made or the appeal was struck out in the party's absence, may apply to set aside that order.

(2) The application must be made within 7 days after the date on which the order was served on the applicant.

(3) The application to set aside the order must be supported by evidence showing—

(a) a good reason for failing to attend the hearing; and

(b) that it is likely that had the applicant attended some other decision might have been made.

Adjournment of appeal

15.19 The Court may adjourn an appeal on such terms as it thinks just.

Bail in Appeal Cases

15.20 (1) A Judge of the Court of Appeal may, on application by an appellant, consider and grant bail to the appellant pending appeal on such terms as he sees fit.

(2) Part 6 of these Rules shall apply to the consideration of any application for bail by the Court of Appeal.

PART 16—SERVICE OF DOCUMENTS

Personal service

16.1 (1) A document is served personally on an individual by handing it to, or leaving it with, the person to be served.

(2) If a document is left in accordance with sub-rule (1), the nature and the contents of the document must be explained by the serving party where practicable.

(3) Service is deemed to be effected on the day it is handed to, or left with, the person being served.

Service on a Company

16.2 (1) A document is served on a company by handing it to, or leaving it with a director, officer, receiver, receiver-manager or liquidator of the company or by prepaid post addressed to the registered office of the company.

(2) If service is effected on a company by pre-paid post addressed to the registered office of that company, service is deemed to be effected on the fourteenth day from the date the document was posted.

Service on a person in custody

16.3 (1) Service on a person in custody may be effected by handing the document to the Keeper or a person designated by the Keeper and addressed to the person to be served.

(2) The Keeper or a person designated by the Keeper must—

(a) endorse it with time and date of receipt;

(b) record its receipt; and

(c) forward it promptly to the addressee.

16.4 If a document is not required to be served personally, and a party has given an address at which documents for the said party may be served, the documents may be delivered or posted to that party at that address.

Address for serving documents not required to be served personally

16.5 (1) This rule applies if—

Service by electronic means

(a) the person or company to be served—

(i) has given an electronic address; and

(ii) has agreed to accept service by electronic means; or

(b) the person to be served is legally represented in the case and the representative has given an electronic address.

(2) A document may be served by transmitting it by electronic means to that person or representative, as appropriate, at that address.

(3) If a document is served under this rule, the person serving it need not provide a paper copy as well.

(4) If service is effected by electronic means, service is deemed to be effected on the next business day after the document was transmitted.

16.6 (1) Instead of personal service, a party may apply to the Court for an alternative method of service.

Alternative methods of service

(2) If a party chooses an alternative method of service and the Court is asked to take any step on the basis that the document has been served, the party who served the document must prove service to the satisfaction of the Court by filing an affidavit—

(a) giving details of the method of service used;

(b) stating that—

(i) the person intended to be served was able to ascertain the contents of the documents; or

(ii) it is likely that he would have been able to do so; and

(c) stating the time when the person served was, or was likely to be in a position to ascertain the contents of the documents.

(3) The Court office must immediately refer to the Court for consideration any affidavit filed under sub-rule (2).

(4) If the Court is not satisfied with the method of service the Court must fix a date, time and place to consider making an order and give at least 3 days' notice to the party making the application.

Service by person in custody

16.7 (1) In instituted proceedings, a person in custody may serve a document by handing it to the Keeper or a person designated by the Keeper and addressed to the person to be served.

(2) The Keeper or a person designated by the Keeper must—

(a) endorse it with time and date of receipt;

(b) record its receipt; and

(c) forward it promptly to the relevant Court office for transmission to the addressee.

Documents to be served personally

16.8 The following documents are to be served personally:

(a) complaints, summonses or indictments;

(b) Writs of Subpoena *ad testificandum* or Writs of Subpoena *duces tecum*;

(c) applications, written statements or notices alleging conduct constituting contempt of Court; and

(d) notices which require personal service by any enactment.

Permitted place of service

16.9 Except as permitted by rule 16.12, a document must be served at a place within the jurisdiction.

Proof of personal service

16.10 (1) Personal service of any document is to be proved by an affidavit sworn by the server of the document stating—

(a) the date and time of service;

(b) the precise place or address at which it was served;

(c) precisely how the person served was identified; and

(d) precisely how service was effected.

(2) If the person served was identified by another person, there must also be filed where practicable, an affidavit by that person proving the identification of the person served and stating how the person was able to identify the person served.

(3) If the server identified the person to be served by means of a photograph or description, there must also be filed an affidavit by a person verifying the description or photograph as being the person intended to be served and stating how that person was able to verify the description or photograph as being the person intended to be served.

Power of Court to dispense with service

16.11 (1) The Court may dispense with service of a document if it is appropriate to do so.

(2) An application for an order to dispense with service may be made without notice.

16.12 (1) If process is required to be served outside Trinidad and Tobago, it shall be served in accordance with sections 14 and 33B of the Mutual Assistance in Criminal Matters Act.

Service of Court process outside the jurisdiction Chap. 11:24

(2) For the purposes of this Rule, "process" includes a summons, order, subpoena or other similar document issued by a Court requiring a person to attend the Court in relation to criminal proceedings.

PART 17—CHANGE OF ATTORNEY-AT-LAW

Application of this Part

17.1 This Part applies if—

(a) there is a change of Attorney-at-law;

(b) an Attorney-at-law acts for a party who previously acted in person; or

(c) a party who was previously represented by an Attorney-at-law acts in person.

Notice of appointment of Attorney-at-law

17.2 If a person who previously acted in person instructs an Attorney-at-law, that Attorney-at-law must—

(a) file a notice of acting at the Court office which states—

(i) the Attorney-at-law's business name, address, telephone number, e-mail address; and

(ii) if the Attorney-at-law's business address is not within 3 miles of the Court office, an address for service that is within that distance of the Court office;

(b) serve a copy of the notice on every other party; and

(c) file a certificate of service in respect of each notice served in accordance with paragraph *(b)*.

Party acting in person

17.3 If a party who was previously represented by an Attorney-at-law decides to act in person, the party must—

(a) file at the Court office, a notice of acting in person which states—

(i) the party's address, telephone number and e-mail address transmission number, if any; and

(ii) if the party's address is not within 3 miles of the Court office, an address for service within that distance of the Court office;

(b) serve a copy of the notice on every other party and the former Attorney-at-law; and

(c) file a certificate of service in respect of each notice served in accordance with paragraph *(b)*.

Application by another party to remove Attorney-at-law from record

17.4 (1) If—

(a) an Attorney-at-law on record for a party has—

(i) died;

(ii) become bankrupt;

(iii) failed to take out a practising certificate; or

(iv) been removed from the roll; and

(b) notice of the appointment of a new Attorney-at-law or of the party acting in person under this Part has not been received,

any party may apply to the Court for an order declaring that the Attorney-at-law in question has ceased to act.

(2) An application under this rule must be supported by evidence and must be served on the client of that Attorney-at-law.

(3) Any order made by the Court must be served by the applicant on the Attorney-at-law or former Attorney-at-law (if practicable) and served personally on the client of that Attorney-at-law.

(4) The applicant must file a certificate of service of the order.

Application by Attorney-at-law to be removed from the record

17.5 (1) An Attorney-at-law who wishes to be removed from the record as representing or acting for a party may apply to the Court for an order that the said Attorney-at-law be removed from the record.

(2) The Attorney-at-law must give notice of the application to the client or former client and to all other parties.

(3) The application must be supported by evidence but such evidence must not be served on any other party.

(4) An order made by the Court under this rule must be served by the applicant on the other parties' Attorneys-at-law and served personally on the applicant's lay client.

(5) The applicant must file a certificate of service of the order.

Time when notice or order takes effect

17.6 A notice or an order made under this Part shall not take effect until the notice or order is served in accordance with the applicable rule under this Part.

PART 18—DOCUMENTS

Documents

18. So far as is practicable, every document prepared for use in the Court must be on letter size paper; approximately 11 inches long by 8.5 inches wide. Margins of 1″ (25mm) must be left at the top and bottom and of 1.5″ (38mm) at each side.

PART 19—PRACTICE DIRECTIONS AND GUIDES

Who may issue practice directions

19.1 The Chief Justice may issue practice directions and practice guides in furtherance of the relevant legislation and these Rules.

Publication of practice directions

19.2 Practice directions must be—

(a) published in the Trinidad and Tobago Gazette; and

(b) displayed and made available at each Court office.

Date from which practice directions take effect

19.3 A practice direction takes effect from the date of publication in the Gazette, unless the direction specifies another date.

Compliance with practice directions and Guides

19.4 If a party fails to comply with a practice direction or practice guide, the Court may make such order as may be appropriate.

PART 20—TIME AND COURT BUSINESS

Time Computation

20.1 (1) This Rule shows how to calculate any period of time for doing any act which is fixed by—

(a) these Rules;

(b) any practice direction; or

(c) any order or direction of the Court.

(2) All periods of time expressed as a number of days are to be computed as clear days.

(3) In this rule, "clear days" means that in computing the number of days the day on which the period begins and the day on which the period ends are not included.

(4) If the specified period is 5 days or less, and includes a Saturday or Sunday, or any other day on which the Court office is closed, that day does not count.

(5) When the period fixed by these Rules, by any practice direction, or by any order, for doing any act at the Court office ends on a day on which the Court is closed, it shall be in time if done on the next day on which the Court is open.

(6) When the period fixed by these Rules, any practice direction, or by any order, for doing any act which does not need to be done at Court ends on a Saturday or Sunday, on any public holiday, or on Carnival Monday or Carnival Tuesday, it must be done before 4.00 p.m. on the next ordinary business day.

Hearing of urgent applications

20.2 (1) A participant or party to any proceeding may apply to the appropriate Court for any matter to be heard urgently outside of office hours.

(2) Any urgent applications must be filed with a certificate of urgency;

(3) Any party who intends to file or has filed an urgent application must contact the Registrar.

(4) The Registrar shall provide directions to parties or participants as to the process for the handling of urgent applications.

Time—Office Hours

20.3 The Court offices shall be open on every day of the year except—

(a) Saturdays and Sundays;

(b) Carnival Monday and Tuesday;

(c) public holidays;

(d) the next following working day after Christmas day;

(e) Monday and Tuesday after Easter; and

(f) such other days as the Chief Justice may direct,

between 8.00 a.m. and 4.00 p.m.

Method of payment of fees and other Court ordered payments

20.4 (1) Fees, fines and other Court ordered payments must be paid into Court by electronic or other means.

(2) When submitting a payment using the CourtPay system, the Payor shall be charged a Non-Refundable transaction fee for each transaction conducted.

Part 21—Terms and Vacations of the Supreme Court

Terms and Vacations

21.1 (1) There shall be three terms, namely—

(a) the first term which begins—

(i) in the case of the Court of Appeal, on the 11th January; and

(ii) in the case of the High Court, on the 3rd January,

and ends on the Thursday before Easter;

(b) the second term which begins on the Monday following Easter Monday and ends on the 31st July, such dates are inclusive; and

(c) the third term which begins on the 1st September and ends–

(i) in the case of the Court of Appeal on the 21st December; and

(ii) in the case of the High Court on the 19th December,

such dates are inclusive.

(2) Accordingly, the vacations are as follows:

(a) the long vacation which begins on 1st August and ends on 31st August;

(b) the first short vacation which—

(i) in the case of the Court of Appeal, begins on the 22nd December and ends on the 10th January; and

(ii) in the case of the High Court, begins on the 20th December and ends on the 2nd January; and

(c) the second short vacation which begins on Good Friday and ends on the Sunday following Easter Monday,

such dates are inclusive.

Hearing of applications, etc., in vacations

21.2 (1) During vacations the Court shall hear and determine only such matters as it certifies as urgent or requiring prompt attention.

(2) A party may apply to the Court for any matter to be heard in the vacation.

(3) The following matters are hereby deemed fit for hearing in any event during the vacation:

(a) charge matters;

(b) matters under the Bail Act; Chap. 4:60

(c) matters under the Proceeds of Crime Act including detention and forfeiture of cash matters; Chap. 11:27

(d) matters under the Interception of Communication Act; Chap. 15:08

(e) matters under the Anti-Gang Act; Act No. 4 of 2021

(f) matters under the Anti-Terrorism Act; and Chap. 12:07

(g) any other matter as the Chief Justice may direct.

PART 22—FORMS OF OATHS AND ADMINISTRATION OF OATH AND AFFIRMATION

Form of Oaths and Affirmations

22.1 (1) Information and documents to be submitted to the Court, including complaints and applications which are required to be signed, may be signed electronically using the e-signature formats as stated in practice directions issued by the Chief Justice.

(2) Where signed information or documents being submitted to the Court, are required to be attested to—

(a) by oath, the oath shall take the following form:

"I, ., solemnly swear that I have signed this complaint] on oath and by that I declare that—

(i) I make this [application/complaint] conscientiously, wilfully and honestly having reasonable grounds for believing that the named accused person or persons has or have committed the offence(s) alleged as stated in the complaint and that the particulars are true to the best of my knowledge;

(ii) I acknowledge this declaration to be an oath that is binding;

(iii) I acknowledge that the wilful false swearing of this oath is an offence.

Signature";

OR

(b) by affirmation, the affirmation shall take the following form:

"I, ., do solemnly, sincerely, and truly affirm, that I have signed this complaint on oath and by that I declare that—

(i) I make this complaint conscientiously, wilfully and honestly having reasonable grounds for believing that the named accused person or persons has or have committed the offence(s) alleged as stated in the complaint and that the particulars are true to the best of my knowledge;

(ii) I acknowledge this declaration to be an oath that is binding;

(iii) I acknowledge that the wilful false affirmation of this declaration is an offence.

Signature".

(3) The written declaration shall be signed by the complainant in writing or by an electronic signature.

(4) An electronic signature shall comply with such practice directions as issued by the Chief Justice from time to time on the signing of electronic documents to be filed with the Court.

Administration of Oaths and Affirmations

22.2 If a complaint is made on oath and the complainant swears or affirms the declaration in rule 22.1(2), a Commissioner of Affidavits, Justice of the Peace, Notary Public, Judge or Judicial Officer may administer the oath made by the complainant in person or by any other means which comply with any practice directions issued by the Chief Justice on the swearing of documents to be filed with the Court.

PART 23—REVOCATIONS

Revocations L.N. No. 55/2016

23 (1) The Criminal Procedure Rules, 2016 are hereby revoked.

Chap. 4:01

(2) The Court of Appeal Rules set out in the Schedule to the Supreme Court of Judicature Act are hereby revoked.

Chap. 12:02

(3) The Indictment Rules set out in the First Schedule to the Criminal Procedure Act are hereby revoked.

Dated this 11th day of December, 2023.

I. ARCHIE
Chief Justice

C. BROWN-ANTOINE
Justice of Appeal

R. ARMOUR S.C.
Attorney General

L. LUCKY-SAMAROO S.C.
Attorney-at-law

T. HADAD
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R. ROBERTS
Registrar (Ag.)

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, CARONI
REPUBLIC OF TRINIDAD AND TOBAGO—2023