

MAGISTRATES COURT

PRACTICE DIRECTION NO 7 OF 2000

FORM OF COMMITTAL FROM MAGISTRATES COURT AND FORM OF RELATED BAIL ORDERS

This direction concerns the form of orders made in the Magistrates Court committing defendants to the Supreme and District Courts for trial and for bail pending trial.

There is no current practical reason why defendants need to be committed to a particular sittings of either of the higher courts. The only relevant obligation rests on the Director of Public Prosecutions, to present an indictment no later than six months after the date on which the defendant is committed (Section 590 (1) Criminal Code). Committing to a particular date may lead to unnecessary appearances, involving the needless consumption of resources.

Magistrates are accordingly directed no longer to commit defendants to a particular sittings or a particular date for the sittings of higher courts. Reference to “sittings” in such orders should no longer occur. Defendants should be committed in such orders to “the Supreme Court at” or “the District Court at” “, “ on a date to be notified to the defendant by the Director of Public Prosecutions”.

When granting bail pending trial, orders should likewise, desirably, contain a requirement for appearance “when the indictment is presented on such date as will be notified to the defendant by the Director of Public Prosecutions”. Again, reference to “sittings” in such bail orders made following committal should no longer be used.

**(DM FINGLETON)
CHIEF MAGISTRATE**

29 November 2000