

The High Court of Solomon Islands

Practice Direction N1 – 11

(Sections 229 and 233 Criminal Procedure Code)

COMMITTALS TO THE HIGH COURT FROM THE MAGISTRATES' COURT

High Court of Solomon Islands

Practice Direction: No. 1 of 2011

Committals to the High Court from the Magistrates' Court (Sections 229 and 233 Criminal Procedure Code)

1. Commencement

This Practice Direction shall commence immediately.

2. Earlier Practice Directions

This Practice Direction is supplementary to all other Practice Directions (in particular N1-05) that have been issued regarding Committals from the Magistrates' Court to the High Court and shall prevail where there is conflict.

3. Application

This Practice Direction applies to new and existing committals coming before the High Court.

4. Purpose

The purpose of this Practice Direction is to ensure time limits in pre and post committal stages are consistent with current criminal procedure requirements to ensure cases are being progressed in a timely manner with minimum delay.

5. Reference

Sections 229 and 233 Criminal Procedure Code.

6. Practice Direction

From first appearance in the Magistrates' Court to the date of committal for trial in the High Court, "Committal date", a maximum period of six months is expected, unless good cause is shown why an extension is warranted.

If the accused is not committed within a six month period they are entitled to apply to the High Court for bail if on remand. In such instance delay may be relied upon as a ground on which the court's discretion may be exercised in favour of bail.

Where an order for Committal to the High Court is made, it shall be to a specific date and time. This date will be the last Friday of each month at 9:00am before the Duty Criminal Judge, or otherwise if notified by the Registrar of the High Court. If the accused is on bail, he is to appear at the

High Court at the said date and time. If on remand, he is to be produced at the High Court on the said date and time.

The defendant will be arraigned at the first Appearance in the High Court and the following documents must be received to enable this to occur:

- (a) Committal Papers¹ from the Magistrates' Court; and
- (b) The Information from the Director of Public Prosecutions.

At the arraignment date, the plea will be taken. If a guilty plea is entered, the presiding judge shall proceed to deal with the case for sentence.

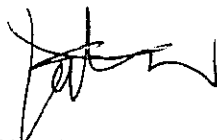
If a Not Guilty plea is entered the presiding judge shall issue directions requiring:

- (a) The Prosecutor to file and serve on the defence a copy of the statement of case within 30 days.
- (b) The defence to file and serve a Defendants statement 30 days thereafter; and
- (c) List the case for the 1st directions hearing before himself/herself 30 days thereafter.

At the 1st directions hearing, he shall determine inter alia, the estimated time for trial and adjourn the case for mention thereafter before him. He shall then inform the Case Listing Committee (CLC) to fix the trial date for the case.

When the matter comes before the CLC, they shall fix the trial date and inform the trial judge of the date of trial.

Dated this 7th day of February 2011



(Sir Albert R Palmer)
CHIEF JUSTICE

¹ These consist of (i) written charge, (ii) the statements (original) of witnesses, (iii) depositions (if any), (iv) the statement (if any) of the accused person, (v) the summonses or recognisances and (vi) any documents or things which have been tendered or produced as exhibits and marked as such to the court (section 229 Criminal procedure Code). The original and two copies should be forwarded – refer to PN N1-05.