



**THE SUPREME COURT OF BERMUDA
PRACTICE DIRECTION**

ISSUED BY THE CHIEF JUSTICE

Ref. A/50

CIRCULAR NO. 5 OF 2006

LISTING OF CRIMINAL CASES

The Supreme Court is continuing to experience difficulties in listing criminal cases. The following directions are intended to address these issues, and supplement the Practice Direction on listing of 18th May 2004.

Agreement of Dates

1. It is preferable if dates can be assigned by agreement between counsel and the DPP's office: that is the best way of ensuring that the convenience and commitments of both sides are respected. However, if the parties are unable to agree a trial date the court will fix a date at the arraignments hearing after hearing submissions from both sides.

Change of Counsel

2. Trial dates will not be vacated because the defendant has changed counsel, and the assigned date is not convenient for the new counsel. Counsel should only come on the record where there is an existing fixture if they are able to honour it.

Warned Dates

3. Cases will frequently be assigned both a warned date and a fixed date. All sides should be ready to proceed on the warned date. In this respect attention is drawn to paragraph 6 of the 2004 Practice Direction, which said:

“6. The same principles [as apply to fixtures] apply to ‘warned’ dates. In particular Counsel in a warned case should ensure that he/she is available and otherwise ready for trial on that date. If a fixture has to be adjourned at the last minute, and there are warned cases for that date, the jury should be released for only as long as is necessary to bring on the warned case.”

Dated this 5th day of May 2006

Richard W. Ground OBE QC
Chief Justice

cc. Deputy Governor
Attorney General's Chambers
Department of Public Prosecutions
Hamilton Police Station
Commissioner of Police
Commissioner of Corrections
Magistrates' Court
Legal Aid Office