



LOCAL COURT PRACTICE NOTE NO: 11

ISSUED: 25 AUGUST 2003

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Representations for Withdrawal and Time Standards **for matters being dealt with upon indictment**

The procedures outlined in this Practice Note are intended to facilitate the expeditious determination by a prosecuting authority of representations for the withdrawal of a prosecution and to ensure that the Court's published time standards are complied with.

The following procedures apply to matters which are being dealt with upon indictment

In proceedings in which the Court is informed by a party it is intended to make representations for withdrawal, the Court in accordance with paragraph 2.1 of Practice Note 6/2002 or Practice Note 9/2003 (proceedings commenced on or after 7 July 2003) will adjourn the matter for not less than eight weeks, allowing six weeks for service of the brief and two weeks for reply. Representations for withdrawal are to be served on the prosecuting authority by the date for reply at the location outlined in paragraph number 2 Practice Note 10/2003 and are to specify so far as are relevant those particulars referred to in paragraph number 1 Practice Note 10/2003. Upon the date for reply, the Court is to be informed of the fact and date of service of the representations. A copy of the representation **is not** to be filed with the Court. The proceedings are then to be adjourned for four weeks to enable the prosecuting authority to consider the representations.

Upon the adjournment date, the Court is to be informed of the result of the representations. If the representations are unsuccessful or not resolved the proceedings are then to be managed by the Court in accordance with paras 2.3, 2.4, 2.5, 2.6 and 3 of Practice Note 6/2002 or Practice Note 9/2003. In view of the extended period of adjournments proceedings in which representations are unsuccessful or unresolved will be listed for hearing at a time commensurate with the Court's published Time Standards.

Graeme Henson
Chief Magistrate