

Annex 2

Annex 2 - Consolidated Criminal Practice Direction (28 March 2006)

IV.36 Abuse of Process Stay Applications

IV.36.1 In all cases where a defendant in the Crown Court proposes to make an application to stay an indictment on the grounds of abuse of process, written notice of such application must be given to the prosecuting authority and to any co-defendant not later than 14 days before the date fixed or warned for trial ("the relevant date"). Such notice must:

- (a) give the name of the case and the indictment number;
- (b) state the fixed date or the warned date as appropriate;
- (c) specify the nature of the application;
- (d) set out in numbered sub-paragraphs the grounds upon which the application is to be made;
- (e) be copied to the chief listing officer at the court centre where the case is due to be heard.

IV.36.2 Any co-defendant who wishes to make a like application must give a like notice not later than seven days before the relevant date, setting out any additional grounds relied upon.

IV.36.3 In relation to such applications, the following automatic directions shall apply:

- (a) the advocate for the applicant(s) must lodge with the court and serve on all other parties a skeleton argument in support of the application at least five clear working days before the relevant date. If reference is to be made to any document not in the existing trial documents, a paginated and indexed bundle of such documents is to be provided with the skeleton argument;
- (b) the advocate for the prosecution must lodge with the court and serve on all other parties a responsive skeleton argument at least two clear working days before the relevant date, together with a supplementary bundle if appropriate.

IV.36.4 All skeleton arguments must specify any propositions of law to be advanced (together with the authorities relied upon in support, with page references to passages relied upon) and, where appropriate, include a chronology of events and a list of dramatis personae. In all instances where reference is made to a document, the reference in the trial documents or supplementary bundle is to be given.

IV.36.5 The above time limits are minimum time limits. In appropriate cases the court will order longer lead times. To this end in all cases where defence advocates are, at the time of the plea and directions hearing, considering the possibility of an abuse of process application, this must be raised with the judge dealing with the matter, who will order a different timetable if appropriate, and may wish, in any event, to give additional directions about the conduct of the application.