

PRACTICE NOTE

COMMITTAL PROCEDURE IN THE YOUTH COURT (PURELY INDICTABLE OFFENCES OR WHERE JURY TRIAL ELECTED)

1. The purpose of this Practice Note is to provide guidance for conducting committal procedures in the Youth Court in addition to guidance provided by the Practice Note entitled 'Committal Procedure in the District Court' issued by the Chief District Court Judge.
2. This Practice Note comes into force on the 29th of June 2009 and applies until superseded by any subsequent legislation. This Practice Note applies to all committal proceedings to which ss 274, 275(1) and 275(1A) of the Children, Young Persons and Their Families Act 1989 apply, as well as the new Parts 5 and 5A of the Summary Proceedings Act 1957 and the Criminal Disclosure Act 2008. The Practice Note on Preliminary Hearings remains in effect for proceedings under the former Parts 5 and 5A.

At First Appearance

3. The Youth Advocate will have received a copy of the 'Notice' and 'Pre Committal Check Sheet' with their assignment letter.
4. 'Initial disclosure' is due (s 12 Criminal Disclosure Act 2008).
5. The young person will be required to indicate whether the charge is 'denied' (s 246(a)).
6. If the young person indicates that they wish to 'deny' the charge, the Court shall remind the young person that if they do not apply for an Oral Evidence Order within 14 days after the prosecutor is required to file Formal Written Statements, or if their Oral Evidence Order Application is declined, they will be automatically committed for trial, subject to a Youth Court jurisdictional hearing (s 275(1A) CYPF Act 1989).
7. If the young person indicates that they will not be applying for an Oral Evidence Order (thereby triggering a Standard Committal), a jurisdictional hearing shall be scheduled on, or as soon as possible after, the 15th day after the prosecutor is due to file Formal Written Statements.

Timeframe

8. In the case of Standard Committals (where oral submissions as to jurisdiction are heard) and Committal Hearings (which take place following the granting of Oral Evidence Order applications) the date for the commencement of these hearings shall be within 10 weeks of the young person's first appearance.



**AJ Becroft
Principal Youth Court Judge
June 2009**