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| **APPLICATION TO CHANGE TRIAL/OTHER CONTESTED HEARING DATE**  **(Please See Part 5 for guidance notes)** | | | | | | | |
| **PART 1 - APPLICATION DETAILS** | | | | | | | |
| **Applicant’s details** | | | | | | | |
| Crown Prosecution Service  Defence  Other Prosecutor  Please specify: | | | | | | | |
| Defendant’s Name: | | (If legal representative, name of firm) | | | (If legal representative, name/s of other defendant/s you represent in the proceedings) | | |
| URN: | | | Court Case No: | | | | |
| Address (**legal representatives to provide e-mail address. Litigants in person may provide postal address or email address)**: | | | | | | | |
| **Trials / Other contested hearing details** | | | | | | | |
| Date of Hearing:  If not a trial, please specify type of contested hearing:  Is the case being dealt with by a District Judge? YES  NO  If YES please give their name………………………………………… | | | | | | | |
| Names of all defendants: | | | All adult  All youth  Mixed adult/youth | | |  | |
| Name/s of defendant/s in custody: | | | Custody Time Limit ends: | | | | |
| Date and short description of offence/s: | | | | | | | |
| **If you believe the application cannot be dealt with in writing and needs to be decided in a court, you may request a hearing** | | | | | | | |
| I am requesting a court hearing to decide this application: YES  NO  If YES, my reasons are: | | | | | | | |
| **Service on other parties** | | | | | | | |
| Name of other Party |  | | |  | | |  |
| Address |  | | |  | | |  |
| Email |  | | |  | | |  |
| Tel No. |  | | |  | | |  |
| Date Contacted |  | | |  | | |  |
| Method of Contact |  | | |  | | |  |

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| I confirm that a copy of this application has been sent to the other parties.  Signed ……………………………………….……. Date ………………………… |

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| **PART 2 - APPLICANT’S REASONS TO CHANGE HEARING DATE** |
| **Witness/es unavailable** |
| Name of unavailable witness/es: |
| Date unavailable witness/es told of hearing date: |
| Were the dates when the witness/es would be unavailable known when the hearing was fixed (If no, please explain why)? |
| Date discovered that witness/es unavailable: |
| Reason witness unavailable to attend the hearing (including supporting evidence): |
| Reason witness needs to give evidence at the hearing: |
| **Defendant unavailable** |
| Reasons defendant unavailable (including supporting evidence): |
| Date defendant knew hearing date: |
| Date discovered defendant unavailable: |
| **Other party has failed to comply with directions of the court/Criminal Procedure Rules (e.g. service of evidence/disclosure) in time for the trial to go ahead.** |
| Which directions or Criminal Procedure Rules have not been complied with? |
| What is the impact on your case? |
| What attempts have been made to resolve issues? |
| **There will be insufficient time** |
| Why is a longer hearing needed? |
| When & how did you become aware of this? |
| How much additional time will be required for the hearing and why? There may still be enough time available on the day. |
| **Other Reasons** |
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| **OTHER PARTY’S VIEWS (IF KNOWN)** |
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| **UNAVAILABILITY FOR NEXT THREE MONTHS IF NEW CONTESTED HEARING DATE FIXED** |
| Dates when witnesses unavailable and reasons where known: |
| (Defendant only)  Dates defendant will be unavailable & reasons: |
| (Legal representatives only)  Dates legal representatives will be unavailable & reasons: |
| **HISTORY OF THE CASE** |
| Please provide a summary of the case history, compliance with directions and communication between the parties: |
| **INTERESTS OF JUSTICE TEST** |
| Why is it in the interests of justice to change the hearing date? |
| What will be the impact on your case if the date of the trial remains? |

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| **PART 3 - RESPONSE TO APPLICATION** | | | | |
| **Details of person replying:** | | |  | |
| Crown Prosecution Service:  Defence:  Other Prosecutor | | | Please specify: | |
| (If litigant in person) Name: | | (If legal representative) Name of Firm: | | (If legal representative): Name/s of other defendant/s you represent in the proceedings: |
| Address (legal representatives to provide e-mail address. Litigants in person may provide postal address or email address): | | | | |
| **Request for a Court Hearing** | | | | |
| I am requesting a court hearing to decide this application: YES  NO  If YES, my reasons are: | | | | |
| **View on application to change contested hearing** | | | | |
| Hearing date should remain  Hearing date should change |  | | | |
| **Reasons (Explain why it is in the interests of justice for the hearing date to change/remain)** | | | | |
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| **UNAVAILABILITY FOR NEXT THREE MONTHS IF NEW CONTESTED HEARING DATE FIXED** | | | | |
| Dates witnesses will be unavailable & reasons where known | | | | |
| (Defendant only)  Dates defendant will be unavailable & reasons: | | | | |
| (Legal Representatives only)  Dates legal representatives will be unavailable & reasons: | | | | |

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| **PART 4 - DECISION** | | |
| Hearing date changed | Hearing date remains | Referred to court |
| Reasons: | | |
| Directions Made: | | |
| Decision Made By: *(To include name and judicial/job title)*  Date ………………………….. | | |

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| **PART 5 GUIDANCE NOTES** |
| This form is to be used for an application to change the date of any contested hearing. This includes, for example, a trial, a hearing to decide the facts before sentence or a special reasons hearing. Any application or reply to an application must provide the information which is required by 24C.30 – 32, PART VI Trial, Criminal Practice Direction 2015. This can be found at: <https://www.justice.gov.uk/courts/procedure-rules/criminal/docs/2015/crim-practice-directions-VI-trial-2015.pdf>.  **Person making the application – Please complete Part 1 & 2**  You must:   * + - * provide full and accurate information to the best of your knowledge       * supply evidence to support your application where possible       * provide a copy of your application including these guidance notes to the other party or parties       * provide the court with a list of any known dates which would be inconvenient for you or your witnesses to attend court within the next three months. This is in case the hearing date is changed   **Person replying to the application – Please complete Part 3**  You must:   * reply to the court and the applicant within **two working days** of receiving the application. If the hearing is sooner you should reply without delay prior to the hearing date. * provide full and accurate information, to the best of your knowledge * if you wish the application to be made in a full court hearing, give the reason why (see below). * provide any dates which would be inconvenient for you or your witnesses to attend court within the next 3 months. This is in case the hearing date is changed.   **The Decision-making process – Part 4**  A court/ a person having legal authority will decide whether to change the hearing date:   * without a court hearing unless a specific request is made for a court hearing and a court/a person having legal authority decides that a hearing is in the interests of justice * based on the information the court has and any information provided by the parties. * and this decision will be **final**   Another court will not change a decision unless that court   * receives new information and decides that the circumstances have changed since the earlier decision was made or * decides that the earlier decision was based on important inaccurate information and relied on this information to make the decision.   The decision maker will consider 24C Criminal Practice Direction 2015 and whether the hearing should be changed in the interests of justice. In particular they will consider:   * the expectation that the trial should proceed on the date which was originally fixed * the nature and seriousness of the case * the history of the case and when it could next be heard * whether there has been fault by either party * how the decision will affect each party’s ability to present its case   The decision-maker may:   * change the date of the contested hearing. * refuse to change the date of the contested hearing. The contested hearing will proceed on the date already fixed. The parties must ensure that they are prepared for this. * tell the prosecutor/defence to do something to ensure that the court can make progress at the hearing * exceptionally, arrange a court hearing for a full court to make the decision. |