

PRACTICE DIRECTION

Criminal Caseflow Management Rules

Arraignment Hearings

November 25, 2003

After extensive consultation with the Bench and Bar, I am satisfied that, if counsel consent, an arraignment hearing may not be necessary in most summary conviction proceedings or those cases where a Provincial Court Judge has absolute jurisdiction. Accordingly, I make the following Practice Direction under Rule 3:

Effective December 1, 2003, in summary conviction proceedings or where an accused is charged with an offence listed in Section 553 of the *Criminal Code*, if both the prosecutor and the accused's legal counsel have filed a completed Arraignment Report, an arraignment hearing shall not be set and a date for trial may be fixed if both the prosecutor and the accused's legal counsel consent in writing to waive the hearing. Notwithstanding the foregoing, an arraignment hearing shall be set if a justice or judge considers it necessary in a particular case.

For the purposes of the foregoing, consent in writing may consist of a notation on the Arraignment Report or such other writing as is accepted by the presiding justice or judge.

Carol Baird Ellan
Chief Judge