



THE PROVINCIAL COURT  
OF BRITISH COLUMBIA

Effective date: 18 Jan 2016

**CRIM 08**

## **CRIMINAL CASEFLOW MANAGEMENT RULES SIMPLIFIED FRONT END PROCESS (2013) FORMS AND PROCEDURE**

**NOTE THAT THESE FORMS ARE OPTIONAL FOR COUNSEL**

### **Accessing the Forms**

The forms can be found on the Ministry of Justice, Criminal Court Forms website at:  
<http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/criminal-court-forms>.

The Consent Requisition, Consent Remand and Consent Arraignment forms work with Adobe Reader 9.0 or higher. Adobe Reader can be downloaded without charge from the internet. Note that the forms are fillable and saveable.

Windows Internet Explorer 9 is best used to access the forms, although other web browsers (e.g. Google Chrome) may be used. Note that when using alternate web browsers it may be necessary to download the forms to be able to view and use them.

### **Signatures**

Counsel (Crown and Defence) signatures are not required on the Consent Requisition, Consent Remand and Consent Arraignment forms.

Forms do not specify signature required. Counsel may sign if they wish to but still need to provide the printed names and contact information in the appropriate sections on the forms.

### **Email Submissions to the JCM**

When submitting a form by email to the JCM, counsel are expected to copy opposing counsel so both will receive an email copy of the submitted form, and so the JCM can reply to all to provide confirmation to all counsel as to whether the form has been accepted.

When replying to an emailed form, JCMs will reply to all by email to inform all counsel whether the form has been accepted or not.

JCMs may reject the form for various reasons including an incomplete form or if received too late to process.

**The Court Registry does not accept email submissions.** For locations accepting emailed forms, the completed consent forms can only be received and accepted through the JCM's generic scheduling email address.

**Not all forms will be accepted in all locations by email as of December 1, 2013.**

- Consent Requisition and Consent Remand – With the exception of Surrey, North Vancouver and Vancouver Provincial (Adult Criminal) courthouses, most other court locations will accept the Consent Requisition and Consent Remand forms by email.
- Consent Arraignment - As set out in the Practice Direction, at this time the Consent Arraignment form will only be accepted by email, fax or in person in the Vancouver Island and Northern Regions.
- Trial Scheduler locations - The forms will not be accepted by email or facsimile at the following locations: Burns Lake, Fort Nelson, Golden, McKenzie, Powell River, Sechelt, Valemont. The Trial Scheduler will accept the forms in person.
- Circuit court locations – Circuit court / unstaffed locations will not accept these forms in any format (email, facsimile or in person). The process is not available in these locations. Please refer to the Provincial Court website for a list of Unstaffed Court Locations: <http://www.provincialcourt.bc.ca/locations-contacts>.

**Deadline for Form Submissions**

The [Practice Direction](#) indicates that the forms are to be submitted “*no later than 12:00 noon of the business day prior to the scheduled appearance.*” This is the absolute latest time. Note that local cut-off times may vary based on in-custody transport issues.

## When to use Forms

	<a href="#"><u>Consent Requisition</u></a>	<a href="#"><u>Application to Vary Bail by Consent</u></a>	<a href="#"><u>Consent Remand</u></a>	<a href="#"><u>Consent Arraignment</u></a>
<b>Status</b>	NEW	Existing – PCR 317	NEW	NEW
<b>Consent Required</b>	Yes	Yes	Yes	Yes
<b>For use by</b>	Defence, Crown	Accused, Defence, Crown	Defence, Crown	Defence
<b>Signatures Required</b>	No	Yes	No	No
<b>For Out-of-Court Use</b>	Yes	Yes	Yes	Yes
<b>For non-scheduled appearance date</b>	Yes	Yes	No	Yes
<b>Submitted by parties to</b>	JCM Office (Registry may file call aheads)	Registry / JCM / Court	Registry / JCM / Court	JCM Office

### Form 1 - Consent Requisition

- Not for use by self-represented litigants
- Defence may appear as agent or designated counsel
- Submit to JCM (Call ahead may be filed by counsel in person at the Registry)
- To be used to change, cancel or call-ahead a non-trial appearance
- Used when a personal appearance is not required in court
- Crown and Defence counsel agree to a return date, time, reason and method

### Form 2 - Application to Vary Bail by Consent

- Existing Court form CS # PCR 317
- Can be filed by counsel or accused
- Submit to Registry / JCM / Court

- To be used to vary bail by consent
- Used when a personal appearance is not required in the courtroom
- Crown consents to the variation request – Crown to sign form
- Registry to produce new bail document(s)
- Accused to sign new bail document(s)

### **Form 3 - Consent Remand**

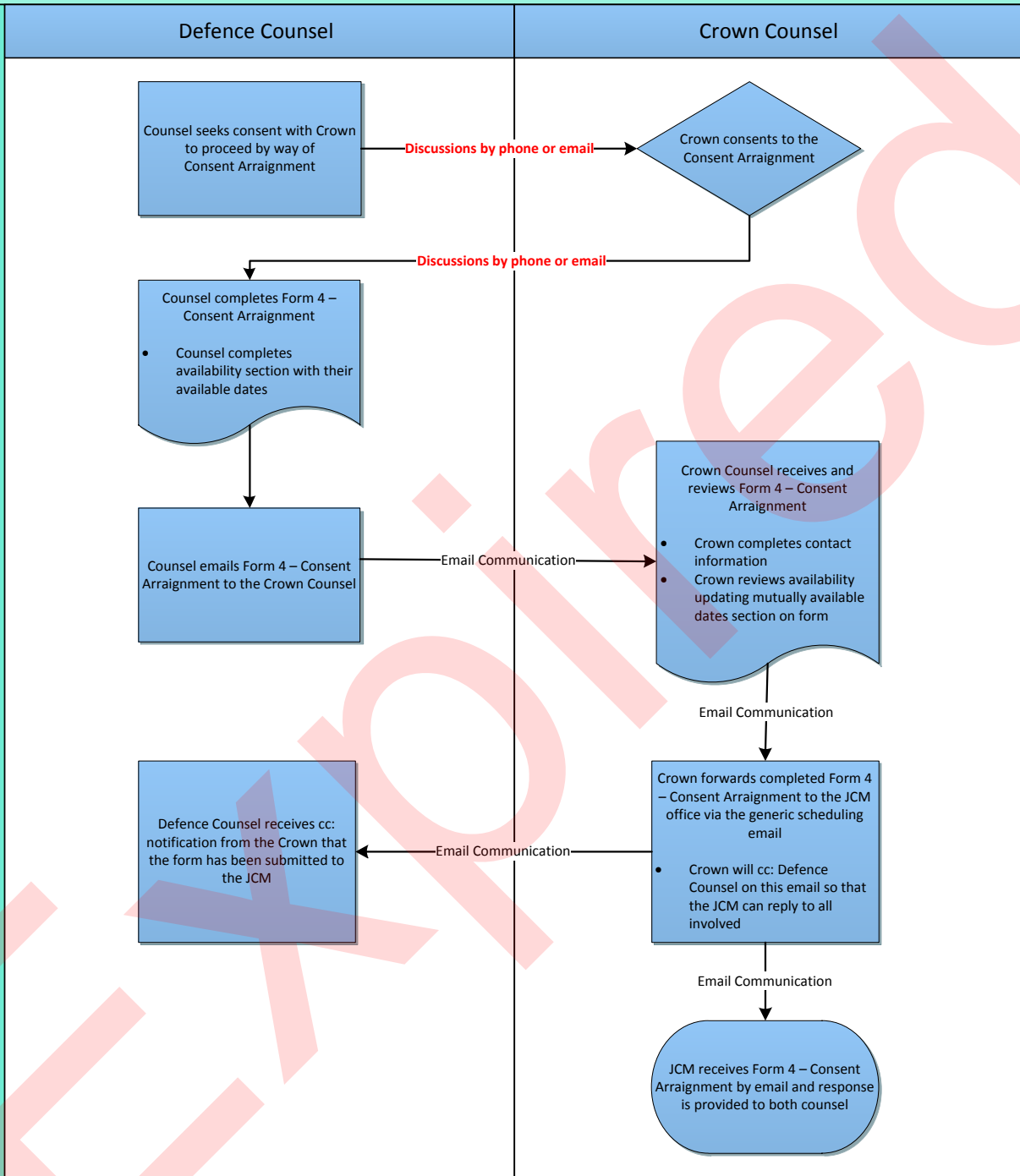
- For use only on appearance date
- Not for use by self-represented litigants
- All counsel agree in-custody accused is not required to make an in-person appearance
- Crown and Defence counsel agree to a return date, time, reason and method
- Defence to appear as agent or designated counsel
- Can be received by JCM (CSBJP may accept form filed by counsel in person at the Registry)
- NOT to be used to vary bail

### **Form 4 - Consent Arraignment - as of January 18, 2016**

- Available for use in the Vancouver Island and Northern Regions only (as of Jan 18, 2016 and until further notice)
- Not for use by self-represented litigants
- For Adult Criminal matters only – not to be used for Youth matters
- Defence to appear as agent or designated counsel
- For use as an alternative to in-person appearance
- If submitted and accepted prior to the pre-set arraignment event, JCM to vacate the future arraignment appearance
- Used for setting preliminary inquiries, trials, hearings and/or sentencing dates
- For multi-accused files, separate forms must be prepared for each accused
- For one accused with multiple Information numbers, separate forms must be used for each Information number sequence

**“Consent Arraignment Workflow - Process for Counsel” follows on next page**

## Consent Arraignment Process for Counsel – Submitting the Form



### The Court's Expectation of Counsel – RE: Use of forms:

Further to the Practice Direction – Criminal Caseload Management Rules Simplified Front End Criminal Process (No. 2013/ CPD-1), with respect to alternate forms of appearance, the ***"Court expects counsel will use the forms whenever possible for matters that come before a JCM."*** (p.6)

#### History of Notice

- Original notice dated December 01, 2013.
- Amended notice dated February 23, 2015
  - Changes to formatting;
  - Title of notice changed from “Provincial Court Scheduling Project - Notes for Forms and Workflows - December 2013”; and
  - Numbered notice as CRIM 08.
- Amended notice dated January 18, 2016
  - Expands the availability of **Form 4 (CPD-1) Consent Arraignment** for use in the Vancouver Island and Northern Regions, instead of Victoria and Western Communities only;
  - Adds “Consent Arraignment Workflow - Process for Counsel”;
  - Adds last bullet under heading “Form 4 - Consent Arraignment”; and
  - Changes title of first section from “Adobe Versions” to “Accessing the Forms” and adds paras. 1 and 3 to that section.