**CHAPTER 13**

1.  All defendants appear initially before a magistrates’ court. In a case where the defendant is alleged to have committed an indictable-only offence, the magistrates will send the case forthwith to the Crown Court (s 51 CDA 1998). Matters relating to representation orders and the defendant’s bail status in the meantime will be determined at the initial appearance before magistrates.

2.  The prosecution must make disclosure of all used material in its case sent bundle. Thereafter it comes under obligations to make available unused material in accordance with the requirements of the CPIA 1996. The requirement to file a defence statement is compulsory in cases to be tried on indictment (s. 5 CPIA 1996).

3.  Where the defence concludes that the prosecution’s pre-trial disclosure does not disclose a case to answer, a written or an oral application can be made under Sch. 3 CDA 1998 (see Part 3.20 Crim PR). Oral evidence may be given at this hearing only with leave of the judge.

4.  The primary purpose of the PTPH is to allow the Crown Court to arraign the accused and to take a plea. If the defendant pleads not guilty, the Crown Court will engage in effective trial management of the case. The parties must complete the PTPH questionnaire in advance of the hearing. The PTPH will identify the issues that are in dispute, make clear what evidence can be agreed and how many witnesses on each side need to attend court to give evidence (perhaps with special measures). It will cover the need for expert evidence, bad character and hearsay applications and the PTPH judge will make case management directions and set a date for trial on indictment based on an indication as to likely length or for a Further Case Management Hearing... It is possible for the PTPH judge to make binding rulings on any points of law that are in dispute.