



The Provincial Court of Saskatchewan

PRACTICE DIRECTIVE I

Preliminary Inquiry

Amendments to the *Criminal Code of Canada* regarding Preliminary Inquiries came into force on June 1, 2004.

Statutory Provisions:

Criminal Code - Part XVIII

1. No Preliminary Inquiry unless requested (s. 535, s. 536(2), s. 536(4), s. 536(4.1)(b) and 536(4.3));
 2. Mandatory Statement Identifying Issues and Witnesses (s. 536.3);
 3. Conference or Hearing prior to Preliminary Inquiry (s. 536.4);
 4. Scope of Preliminary Inquiry may be limited (s. 536.3, s. 536.4, s. 536.4(2), s. 536.5));
 5. Evidentiary provisions (s. 540(7), (8) and (9));
 6. Conduct of Preliminary Inquiry (s. 537);
 7. Absence of accused (s. 537(1)(j), (j.1) and 537(1.01));
 8. Committal upon limited evidence (s. 536.5, s. 549).
- If the accused elects to be tried in the Court of Queen's Bench and either the accused or the Crown wants a Preliminary Inquiry, they must request a Preliminary Inquiry within a time period fixed by the presiding docket court judge.
 - The Information (and, if applicable, the warrant of remand) must be endorsed with the election and must also note whether the accused or the Crown has requested a Preliminary Inquiry.
 - The election may be made in writing, without the appearance of the accused, by the accused or counsel on record filing notice with the Clerk of the Court.
 - The docket court judge will set the date of the Preliminary Inquiry, if any.

Form PI-1 - STATEMENT IDENTIFYING ISSUES AND WITNESSES

- If the Crown or counsel for the accused requests a Preliminary Inquiry, that party shall file a statement of issues and witnesses, Form PI-1. That statement is to be filed with the Case Manager or the Clerk of the Court prior to the appearance in docket court to fix the date for the Preliminary Inquiry.
- Self-represented accused are not required to complete Form PI-1.

REQUEST FOR PRE-HEARING CONFERENCE

- The Crown or the accused can apply for a hearing (hereinafter referred to as a “pre-hearing conference”) to assist the parties in identifying the issues, witnesses or any other matter that would promote a fair and expeditious inquiry.
- The judge scheduled to preside at the Preliminary Inquiry may order a pre-hearing conference on his/her own motion.
- In the event that a pre-hearing conference is ordered, the Case Manager or Clerk of the Court will set a date for the conference, in consultation with the parties.
- It should be noted that although the order for a pre-hearing conference must be made by the judge who will preside at the Preliminary Inquiry, the actual conference itself can be presided over by any judge of the Court. The Case Manager or Clerk of the Court shall make every effort to schedule the pre-hearing conference before the judge who will preside at the Preliminary Inquiry.

Form PI-2 - AGREEMENT AND ADMISSIONS AT PRE-HEARING CONFERENCE

- The pre-hearing conference will take place in open Court on the record. Counsel may appear by telephone with leave of the judge presiding at the pre-hearing conference, but self-represented accused must appear in person.
- All admissions of fact or agreement made by the parties at a pre-hearing conference shall be endorsed on Form PI-2, which will be signed by the parties as well as the presiding judge. Form PI-2 will be formally filed with the Court.



IN THE PROVINCIAL COURT OF SASKATCHEWAN

STATEMENT IDENTIFYING ISSUES AND WITNESSES

Section 536.3 Criminal Code

Date: _____

R. v. _____ Information # _____

Charges: _____

Next Court Appearance: _____

Is disclosure by the Crown complete? Yes _____ No _____

Has a pre-plea discussion taken place between Defence and Crown counsel to attempt resolution or admissions?

Yes _____ No _____

The requesting party requires evidence to be given only on the following issues:

The requesting party wishes to hear only the following witnesses at the inquiry:

Crown and Defence counsel estimate that the time for the preliminary hearing is:

(Estimate of Court Time Required)

Name, address and phone number of
requesting party:

Signature of Requesting Party



IN THE PROVINCIAL COURT OF SASKATCHEWAN

AGREEMENT AND ADMISSIONS AT PRE-HEARING CONFERENCE

Section 536.4(2) Criminal Code

Date: _____

R. v. _____ Information # _____

Charges: _____

Next Court Appearance: _____

The prosecutor and the accused agree to limit the scope of the preliminary inquiry to the following specific issues:

The prosecutor and the accused agree to the following admissions for the purpose of the preliminary inquiry only:

Signature of Prosecutor

Signature of Counsel for the Accused

Pursuant to s. 536.4(2) of the *Criminal Code* I recorded the above agreement to limit the scope of the preliminary inquiry and admissions of fact by the terms herein recorded.

Date

Judge of the Provincial Court of Saskatchewan