

R. 80.01

RULE 80

CRIMINAL RULE RESPECTING PRE-TRIAL CONFERENCES UNDER SECTION 625.1(2) OF THE CRIMINAL CODE

PRE-TRIAL CONFERENCE

80.01 When an accused is to be tried with a jury, a pre-trial conference shall be held at a time, date, place and manner as directed by a judge of the court, or at such further dates and times as may be ordered by the judge of the court who presides at the pre-trial conference.

Attendance at Conference

80.02 Unless otherwise ordered, the pre-trial conference shall be attended by;

- (a) the counsel who will represent the accused at trial, or the accused if he does not have counsel; and
- (b) by the prosecutor who will appear at trial, or a senior counsel in charge of prosecutions.

Purpose

80.03 The purpose of the pre-trial conference is to consider such matters as will promote a fair and expeditious trial.

Held in Chambers

80.04 Unless otherwise ordered, a pre-trial conference shall be an informal meeting conducted in chambers at which a full and free discussion of the issues raised may occur.

Disclosures

80.05 At the pre-trial conference, counsel shall disclose to the judge the nature and particulars of any preliminary motion which counsel intend to make.

Motions

80.06 The presiding judge, in his discretion, may direct that such motion be reduced to writing, and be heard at such time as he deems fit, prior to the date fixed for trial, or he may direct that the motion be heard at the outset of the trial.

R. 80.05

Matters Dealt with in Absence of Jury

80.07 At the pre-trial conference, counsel shall disclose to the presiding judge the nature and particulars of any matters which they foresee may arise in the course of the trial, and which would ordinarily be dealt with in the absence of the jury after it has been sworn, and the anticipated length of time which such matter would require for hearing.

Matters Dealt with Before Jury Selected

80.08 The trial judge, in his discretion, may direct that any such matter as is referred to in Rule 80.07 be dealt with before any juror on a panel of jurors is called, at such date and time as the judge deems fit, or may direct that the matter be dealt with in the absence of the jury after it has been sworn.

Endorsement

80.09 A judge conducting a pre-trial conference shall upon its completion endorse the indictment, or a true copy thereof, as to the date the pre-trial conference was held.

Other Pre-Trial Conferences

80.10 Nothing contained in these rules shall preclude the court from conducting other informal pre-trial conferences in addition to the mandatory conference provided for in s. 625.1(2) on such terms as the judge sees fit.

This rule was made pursuant to section 482 of the *Criminal Code* by the Judges of the Supreme Court of Prince Edward Island, with the concurrence of a majority of the judges thereof, at a meeting held on December 21, 1989, to become effective on the coming into force of the new Rules of Civil Procedure.