



THE PROVINCIAL COURT  
OF BRITISH COLUMBIA

Effective date: *23 June 2023*

**CRIM 16**

## **PRACTICE DIRECTION**

### **JOINT HEARING CRIMINAL CASE MANAGEMENT ORDERS UNDER SECTION 551.7 CRIMINAL CODE**

#### **Purpose**

Section 551.7 of the Criminal Code allows the Chief Judge or a designated judge to determine if it is in the interest of justice to adjudicate an issue referred to in s.551.3(1)(g)(i)-(iii) at a joint hearing. The purpose of this practice direction is to describe the process to make an application under this section.

#### **Application**

This practice direction applies to all Provincial Court locations in the Province.

#### **Directions**

1. The appointment of a judge to determine issues that are to be adjudicated in related trials at a joint hearing will be governed by section 551.7 of the Criminal Code.
2. A party seeking the appointment of a judge to determine issues that are to be adjudicated in related trials at a joint hearing should file and serve on all counsel and the accused if they do not have counsel of record an [Application to a Judge](#), which must be filed on the substantive file and any related files, which briefly sets out:
  - a) why the appointment would be in the interests of justice, including ensuring consistent decisions;
  - b) the common issues that would be adjudicated by the judge;
  - c) the related trials;
  - d) the jurisdiction in which those prosecutions were commenced;
  - e) the stage or timing of each trial; and,
  - f) the charges faced by the accused in each trial.

3. Counsel must schedule an on the record pre-trial conference to have preliminary discussions about the application for a joint hearing under s. 551.7 of the Criminal Code. The application for a joint hearing under s. 551.7 of the Criminal Code must be filed 7 business days before the pre-trial conference, unless otherwise ordered by a judge.
4. An application for a joint hearing under s. 551.7 of the Criminal Code will be heard by the Chief judge, or an Associate Chief Judge or another judge designated by the Chief Judge, who will determine whether a judge should be appointed to adjudicate the issues in related trials at a joint hearing.
5. If the Chief Judge or their designate determines that there will be a joint hearing for some or all of the related trials they will issue an order as set out in s. 551.7(3) of the Criminal Code. A copy of the order will be included in the court record of each trial specified in the order and be provided to each of the parties named in it as set out in s. 551.7(5) of the Criminal Code.
6. Following the adjudication of the issues in related trials at a joint hearing, the decision with reasons of the judge will be included in the court record of each of the related trials in respect of which the joint hearing was held as set out in s. 551.7(11) of the Criminal Code.

**History of Practice Direction**

- June 23, 2023: Original Practice Direction effective.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379, and Rule 3 of the *Criminal Caseflow Management Rules*.

Melissa Gillespie  
Chief Judge  
Provincial Court of British Columbia