**CHAPTER 12**

1.  Two or more written charges/informations may be tried together in circumstances where the court considers it is in the interest of justice. Guidance on the application of the interest of justice in this context is provided by the decision of the House of Lords in Chief Constable of Norfolk v Clayton [1983] 2 AC 473.

2.  The defence advocate will be aware of the prosecution’s case because he or she will have sought disclosure of used material under Crim PR Part 8 (Initial Details of the Prosecution’s. Where a defendant pleads not guilty to a case that is to be tried summarily, the CPIA 1996 requires the CPS to make disclosure of unused material (s. 3 CPIA 1996) that would reasonably be considered capable of undermining the case for the prosecution or of assisting the case of the accused. In a summary-only case where a not guilty plea is anticipated, a Streamlined Disclosure Certificate will be served along with IDPC. The defendant has the option of submitting a defence statement in a summary case (s. 6 CPIA 1996). Any further disclosure which might assist the defence articulated will only be forthcoming if a defence statement has been served (s. 7A CPIA 1996).

3.  The attendance of a witness can be secured by the issue of a witness summons under the procedure set out in s. 97 MCA 1980 and Part 17 Crim PR.

4.  The role and responsibilities of the legal adviser or justices’ clerk are briefly outlined in Chapter 1. The role of the legal adviser is to advise the magistrates on law, practice and procedure. The legal adviser plays no part in decisions on fact. The legal adviser will effectively run the court, keeping a written record of the proceedings and offering assistance to unrepresented defendants.

5.  A submission of no case to answer is usually made at the close of the prosecution’s case in circumstances where the defence contends there is no evidence to prove an essential element of the charge against the defendant or the evidence adduced by the prosecution has been so discredited because of cross-examination or is so manifestly unreliable that no reasonable tribunal could safely convict upon it.