

44. Pending charges

- (1) A request by an offender under the *Sentencing Act 1995* section 32(1) must be in the form of Form 11.
- (2) The request must be lodged with the court at least 14 days before the date when the offender is to be sentenced by the court.
- (3) The court must give a copy of the request —
 - (a) to any court of summary jurisdiction in which the offender has indicated there are pending charges against the offender; and
 - (b) to the DPP.
- (4) The registrar of the court of summary jurisdiction must give —
 - (a) the original prosecution notices that relate to pending charges against that offender in that court to the sentencing court; and
 - (b) a copy of those prosecution notices to the DPP.
- (5) The DPP must prepare a list, in the form of Form 12, of those pending charges against the offender that the Crown will consent to being dealt with by the sentencing court and must give a copy of the list to the offender or the offender's lawyer.
- (6) The offender must indicate on the list of pending charges —
 - (a) which of the listed pending charges of which the offender has not previously been convicted the offender intends to plead guilty to; and
 - (b) which of the listed pending charges the offender wants the sentencing court to pass sentence for,and must sign the list and return it to the DPP.
- (7) The DPP must lodge the signed list of pending charges in the sentencing court.
- (8) When the signed list of pending charges is lodged the clerk of arraigns must immediately send back to the court of summary jurisdiction concerned the original prosecution notice of any charge against an offender that is not listed or that will not be dealt with by the sentencing court by reason of the offender's intentions.
- (9) After the sentencing court has sentenced the offender, the clerk of arraigns must —
 - (a) notify each court of summary jurisdiction of any pending charge in that court that was dealt with by the sentencing court and of the sentence imposed on the offender for the charge; and
 - (b) send back to each court of summary jurisdiction the original prosecution notice relating to any pending charge in that court that was not dealt with by the sentencing court.