



COURT OF APPEAL

British Columbia Court of Appeal
Practice Directive (Criminal)
Title: In Custody Appellants and New Trials

Issued: 8 May 2012

Effective: Immediately

Cite as: *In Custody Appellants and New Trials* (Criminal Practice Directive, 8 May 2012)

Explanatory Note: The purpose of this practice directive is to ensure that an appellant who is in custody when a new trial is ordered: (a) is not released from custody until the matter of bail pending the new trial has been dealt with; and (b) appears before the trial court in a timely way.

When a conviction appeal is allowed and a new trial ordered with respect to a charge or charges on which the appellant is incarcerated, the formal order shall contain the following provision:

AND THIS COURT DIRECTS that the Registrar of this Court or her designate forthwith issue the process necessary to convey, commit, and remand the appellant into the custody of the keeper of *[set out the name and address of the applicable provincial pre-trial services centre or police lock-up]* to be brought before the *[set out the name and address of the court in which the appellant is to appear]* on or before *[set out a date as soon as practicable, if possible no later than seven business days following the date of this order]*, to be dealt with according to law.

The Honourable Chief Justice Finch
for the Court of Appeal of British Columbia

History:

This is a new practice directive.