

## **Guidelines about the Holding of Preliminary Inquiries**

(1) These Guidelines are meant to provide an indication as to the manner in which the Director of Public Prosecutions shall exercise his discretion, pursuant to section 3(1A) of the Criminal Procedure Act, as amended by section 3(a) of the Preliminary Inquiry (Miscellaneous Provisions) Act No 18 of 2011, when deciding whether or not a preliminary inquiry shall be held before a defendant is made to stand trial before a Judge and jury.

(2) The factors which the Director of Public Prosecutions shall take into account when exercising his discretion are, inter alia:

(a) The requirements of prompt administration of justice and speedy trials;

(b) The sufficiency of the evidence and the relative strength of the prosecution case;

(c) The inconvenience to witnesses or victims (eg. Unavailability, safety, medical reasons);

(d) Whether a request has been made by a defendant for a Preliminary Inquiry;

(e) The willingness of a defendant to be dispensed with the holding of committal proceedings;

(f) The willingness of a defendant to plead guilty to the charge;

(g) The public interest dictates against the holding of a PE.

