**47/76**

## QUEEN'S BENCH DIVISIONAL COURT (ENGLAND)

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**PRACTICE DIRECTION – JUSTICES – SUBMISSION OF NO CASE – CIRCUMSTANCES WHERE NO CASE SUBMISSION MAY BE UPHELD – WHETHER TO UPHOLD – NOT TO BE UPHELD IF REASONABLE TRIBUNAL MIGHT CONVICT AT THAT STAGE.**

Before the first case in the list of the Queen's Bench Divisional Court the following Practice Direction was given in relation to how Justices of the Peace should handle 'no case' submissions.

**LORD PARKER CJ:** Those of us who sit in the Divisional Court have the distinct impression that justices today are being persuaded all too often to uphold a submission of no case. In the result, this court has had on many occasions to send the case back to the justices for the hearing to be continued with inevitable delay and increased expenditure. Without attempting to lay down any principle of law, we think that as a matter of practice justices should be guided by the following considerations.

A submission that there is no case to answer may properly be made and upheld; (a) when there has been no evidence to prove an essential element in the alleged offence; (b) when the evidence adduced by the prosecution has been so discredited as a result of cross-examination or is so manifestly unreliable that no reasonable tribunal could safely convict upon it.

Apart from these two situations a tribunal should not in general be called upon to reach a decision as to conviction or acquittal until the whole of the evidence which either side wishes to tender has been placed before it. If however a submission is made that there is no case to answer, the decision should depend not so much on whether the adjudicating tribunal (if compelled to do so) would at that stage convict or acquit but on whether the evidence is such that a reasonable tribunal might convict. If a reasonable tribunal might convict on the evidence so far laid before it, there is a case to answer.

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