

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1987, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### MINOR AND CONSEQUENTIAL AMENDMENTS

*Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36.)*

- 1 (1) The following paragraph shall be inserted after paragraph (a) of subsection (2) of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedures for indictment of offenders)—
- “(aa) the offence is specified in a notice of transfer under section 4 of the Criminal Justice Act 1987 (serious and complex fraud); or”.
- (2) ..... F1

**Textual Amendments**

F1 Sch. 2 para. 1(2) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, [Sch. 16](#)

*Criminal Justice Act 1967 (c. 80.)*

- 2 At the end of section 11(8) of the Criminal Justice Act 1967 (by virtue of which the period for giving notice of an alibi is 7 days from the end of the proceedings before the examining justices) there shall be added the words “or, where a notice of transfer has been given under section 4 of the Criminal Justice Act 1987, of the giving of that notice”.

*Criminal Appeal Act 1968 (c. 19.)*

- 3 At the end of subsection (1) of section 33 of the Criminal Appeal Act 1968 (right of appeal to House of Lords) there shall be added the words “or section 9 (preparatory hearings) of the Criminal Justice Act 1987”.
- 4 In section 36 of that Act (bail on appeal by defendant) after the word “Lords,” there shall be inserted the words “other than a person appealing or applying for leave to appeal from a decision on an appeal under section 9(11) of the Criminal Justice Act 1987 (appeals against orders or rulings at preparatory hearings),”
- 5 In section 38 of that Act (presence of defendant at hearing) after the word “who” there shall be inserted the words “has been convicted of an offence and”.

*Prosecution of Offences (Northern Ireland) Order 1972 (S.I., 1972, No. 538 N.I. 1.)*

- 6 In Article 5(3) of the Prosecution of Offences (Northern Ireland) Order 1972 (which makes provision, amongst other things, for the functions of the Director of Public

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Prosecutions in Northern Ireland in relation to the conduct of criminal proceedings) after the word “Director” there shall be inserted the words “, subject to any provision contained in the Criminal Justice Act 1987”.

7, 8. .... F2

**Textual Amendments**

**F2** Sch. 2 paras. 7, 8 repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, Sch. 6

*Bail Act 1976 (c. 63.)*

9 The following subsection shall be inserted after section 3(8) of the Bail Act 1976—  
“(8A) Where a notice of transfer is given under section 4 of the Criminal Justice Act 1987, subsection (8) above shall have effect in relation to a person in relation to whose case the notice is given as if he had been committed on bail to the Crown Court for trial.”.

10 In section 76 of the Supreme Court Act 1981 (alteration by Crown Court of place of trial)—  
(a) in subsection (1), after the word “or”, in the second place where it occurs, there shall be inserted the words “by substituting some other place for the place specified in a notice under section 4 of the Criminal Justice Act 1987 (notices of transfer from magistrates’ court to Crown Court) or by varying”;  
(b) after subsection (2), there shall be inserted the following subsection—  
“(2A) Where a preparatory hearing has been ordered under section 7 of the Criminal Justice Act 1987, directions altering the place of trial may be given under subsection (1) at any time before the jury are sworn”; and  
(c) in subsection (3), for the word “or”, in the second place where it occurs, there shall be substituted the words “as specified in a notice under section 4 of the Criminal Justice Act 1987 or as fixed”.

11 In section 77(1) of that Act (by virtue of which Crown Court Rules are required to prescribe the minimum and maximum period which may elapse between a person’s committal for trial and the beginning of the trial) after the word “trial”, in the first place where it occurs, there shall be inserted the words “or the giving of a notice of transfer under section 4 of the Criminal Justice Act 1987”.

12 In section 81(1)(a) of that Act (power of Crown Court to grant bail to any person committed in custody for appearance before the Crown Court) after the word “Court” there shall be inserted the words “or in relation to whose case a notice of transfer has been given under section 4 of the Criminal Justice Act 1987”.

*Prosecution of Offences Act 1985 (c. 23.)*

13 In section 3(2) of the Prosecution of Offences Act 1985 (which makes provision, amongst other things, for the duties of the Director of Public Prosecutions in relation to the conduct of criminal proceedings) after the word “Director” there shall be

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- inserted the words “, subject to any provisions contained in the Criminal Justice Act 1987”.
- 14 The following paragraph shall be inserted after paragraph (a) of section 16(2) of that Act (defendant’s costs order)—
- “(aa) a notice of transfer is given under section 4 of the Criminal Justice Act 1987 but a person in relation to whose case it is given is not tried on a charge to which it relates; or”.
- 15 The following subsection shall be inserted after section 16(4) of that Act—
- “(4A) The court may also make a defendant’s costs order in favour of the accused on an appeal under section 9(11) of the Criminal Justice Act 1987 (appeals against orders or rulings at preparatory hearings).”.
- 16 At the end of subsection (2)(b) of section 18 of that Act (award of costs against accused) there shall be added “or
- (c) an appeal or application for leave to appeal under section 9(11) of the Criminal Justice Act 1987;”.

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