



# Criminal Procedure and Investigations Act 1996

## 1996 CHAPTER 25

### PART V

#### COMMITTAL, TRANSFER, ETC.

#### 44 Reinstatement of certain provisions.

- (1) The <sup>M1</sup>Criminal Justice and Public Order Act 1994 shall be amended as follows.
- (2) Section 44 and Schedule 4 (which provide for transfer for trial instead of committal proceedings) shall be omitted.
- (3) In each of sections 34, 36 and 37 for paragraph (a) of subsection (2) (magistrates' court proceeding with a view to transfer) there shall be substituted—
  - “(a) a magistrates' court inquiring into the offence as examining justices;”.
- (4) Sections 34(7), 36(8) and 37(7) (transitional) shall be omitted.
- (5) In Schedule 11 (repeals) the entries relating to the following (which concern committal, transfer and other matters) shall be omitted—
  - (a) sections 13(3) and 49(2) of the <sup>M2</sup>Criminal Justice Act 1925;
  - (b) section 1 of the <sup>M3</sup>Criminal Procedure (Attendance of Witnesses) Act 1965;
  - (c) section 7 of the <sup>M4</sup>Criminal Justice Act 1967 and in section 36(1) of that Act the definition of “committal proceedings”;
  - (d) in paragraph 1 of Schedule 2 to the <sup>M5</sup>Criminal Appeal Act 1968 the words from “section 13(3)” to “but”;
  - (e) in section 46(1) of the <sup>M6</sup>Criminal Justice Act 1972 the words “Section 102 of the Magistrates' Courts Act 1980 and”, “which respectively allow”, “committal proceedings and in other”, “and section 106 of the said Act of 1980”, “which punish the making of”, “102 or” and “, as the case may be”, and section 46(2) of that Act;

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- (f) in section 32(1)(b) of the <sup>M7</sup>Powers of Criminal Courts Act 1973 the words “tried or”;
  - (g) in Schedule 1 to the <sup>M8</sup>Interpretation Act 1978, paragraph (a) of the definition of “Committed for trial”;
  - (h) in section 97(1) of the <sup>M9</sup>Magistrates’ Courts Act 1980 the words from “at an inquiry” to “be or”, sections 102, 103, 105, 106 and 145(1)(e) of that Act, in section 150(1) of that Act the definition of “committal proceedings”, and paragraph 2 of Schedule 5 to that Act;
  - (i) in section 2(2)(g) of the <sup>M10</sup>Criminal Attempts Act 1981 the words “or committed for trial”;
  - (j) in section 1(2) of the <sup>M11</sup>Criminal Justice Act 1982 the words “trial or”;
  - (k) paragraphs 10 and 11 of Schedule 2 to the <sup>M12</sup>Criminal Justice Act 1987;
  - (l) in section 20(4)(a) of the <sup>M13</sup>Legal Aid Act 1988 the words “trial or”, and section 20(4)(bb) and (5) of that Act;
  - (m) in section 1(4) of the <sup>M14</sup>War Crimes Act 1991 the words “England, Wales or”, and Part I of the Schedule to that Act.
- (6) The 1994 Act shall be treated as having been enacted with the amendments made by subsections (2) and (5).
- (7) Subsections (3) and (4) apply where a magistrates’ court begins to inquire into an offence as examining justices after the day on which this Act is passed.

#### **Marginal Citations**

<b>M1</b>	1994 c. 33.
<b>M2</b>	1925 c. 86.
<b>M3</b>	1965 c. 69.
<b>M4</b>	1967 c. 80.
<b>M5</b>	1968 c. 19.
<b>M6</b>	1972 c. 71.
<b>M7</b>	1973 c. 62.
<b>M8</b>	1978 c. 30.
<b>M9</b>	1980 c. 43.
<b>M10</b>	1981 c. 47.
<b>M11</b>	1982 c. 48.
<b>M12</b>	1987 c. 38.
<b>M13</b>	1988 c. 34.
<b>M14</b>	1991 c. 13.

#### **45 Notices of transfer.**

- (1) Section 5 of the <sup>M15</sup>Criminal Justice Act 1987 (notices of transfer in cases of serious or complex fraud) shall be amended as mentioned in subsections (2) and (3).
- (2) In subsection (9)(a) (regulations) for the words “a statement of the evidence” there shall be substituted “copies of the documents containing the evidence (including oral evidence)”.
- (3) The following subsection shall be inserted after subsection (9)—

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- “(9A) Regulations under subsection (9)(a) above may provide that there shall be no requirement for copies of documents to accompany the copy of the notice of transfer if they are referred to, in documents sent with the notice of transfer, as having already been supplied.”
- (4) In Schedule 6 to the <sup>M16</sup>Criminal Justice Act 1991 (notices of transfer in certain cases involving children) paragraph 4 (regulations) shall be amended as mentioned in subsections (5) and (6).
- (5) In sub-paragraph (1)(a) for the words “a statement of the evidence” there shall be substituted “copies of the documents containing the evidence (including oral evidence)”.
- (6) The following sub-paragraph shall be inserted after sub-paragraph (1)—
- “(1A) Regulations under sub-paragraph (1)(a) above may provide that there shall be no requirement for copies of documents to accompany the copy of the notice of transfer if they are referred to, in documents sent with the notice of transfer, as having already been supplied.”
- (7) In paragraph 6 of Schedule 6 to the 1991 Act (reporting restrictions) in sub-paragraph (8) for the words “sub-paragraphs (5) and (6)” there shall be substituted “sub-paragraphs (5) and (7)”.
- (8) This section applies where a notice of transfer is given under section 4 of the 1987 Act or served under section 53 of the 1991 Act (as the case may be) on or after the appointed day.
- (9) The reference in subsection (8) to the appointed day is to such day as is appointed for the purposes of this section by the Secretary of State by order.

#### Extent Information

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in Schedule 4; see [s. 79](#)

#### Subordinate Legislation Made

- P1** [S. 45\(9\)](#) power partly exercised (11.3.1998): 1.4.1998 appointed day (E.W.) insofar as [s. 45](#) relates to notices of transfer served under section 53 of the Criminal Justice Act 1991 c. 53 by [S.I. 1998/851, art. 2](#).

#### Marginal Citations

- M15** [1987 c. 38](#).  
**M16** [1991 c. 53](#).

## 46 War crimes: abolition of transfer procedure.

- (1) In the <sup>M17</sup>War Crimes Act 1991—
- (a) in section 1(4) (which introduces the Schedule providing a procedure for use instead of committal proceedings for certain war crimes) the words “England, Wales or” shall be omitted, and
- (b) Part I of the Schedule (procedure for use in England and Wales instead of committal proceedings) shall be omitted.

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- (2) In section 20(4) of the <sup>M18</sup>Legal Aid Act 1988 (power of magistrates' court to grant legal aid for Crown Court proceedings)—
- (a) the word “or” shall be inserted at the end of paragraph (b), and
  - (b) paragraph (bb) (which relates to a notice of transfer under Part I of the Schedule to the War Crimes Act 1991) shall be omitted.

**Extent Information**

**E2** In its application to Northern Ireland, this section has effect subject to the modifications set out in Schedule 4; see [s. 79](#)

**Marginal Citations**

**M17** [1991 c. 13.](#)

**M18** [1988 c. 34.](#)

**47 Committal proceedings.**

Schedule 1 to this Act (which contains provisions about committal proceedings and related matters) shall have effect.

**Status:**

Point in time view as at 14/04/2000.

**Changes to legislation:**

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