



# 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;

*Status: Point in time view as at 04/07/1996. This version of this provision has been superseded.*

*Changes to legislation: Criminal Procedure and Investigations Act 1996, Section 44 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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**

|            |             |
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| <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. |

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