

SCHEDULES

SCHEDULE 3

PROCEDURE WHERE PERSONS ARE SENT FOR TRIAL UNDER SECTION 51

Applications for dismissal

- 2 (1) A person who is sent for trial under section 51 of this Act on any charge or charges may, at any time—
- (a) after he is served with copies of the documents containing the evidence on which the charge or charges are based; and
 - (b) before he is arraigned (and whether or not an indictment has been preferred against him),
- apply orally or in writing to the Crown Court sitting at the place specified in the notice under subsection (7) of that section for the charge, or any of the charges, in the case to be dismissed.
- (2) The judge shall dismiss a charge (and accordingly quash any count relating to it in any indictment preferred against the applicant) which is the subject of any such application if it appears to him that the evidence against the applicant would not be sufficient for a jury properly to convict him.
- (3) No oral application may be made under sub-paragraph (1) above unless the applicant has given to the Crown Court sitting at the place in question written notice of his intention to make the application.
- (4) Oral evidence may be given on such an application only with the leave of the judge or by his order; and the judge shall give leave or make an order only if it appears to him, having regard to any matters stated in the application for leave, that the interests of justice require him to do so.
- (5) If the judge gives leave permitting, or makes an order requiring, a person to give oral evidence, but that person does not do so, the judge may disregard any document indicating the evidence that he might have given.
- (6) If the charge, or any of the charges, against the applicant is dismissed—
- (a) no further proceedings may be brought on the dismissed charge or charges except by means of the preferment of a voluntary bill of indictment; and
 - (b) unless the applicant is in custody otherwise than on the dismissed charge or charges, he shall be discharged.
- (7) Crown Court Rules may make provision for the purposes of this paragraph and, without prejudice to the generality of this sub-paragraph, may make provision—
- (a) as to the time or stage in the proceedings at which anything required to be done is to be done (unless the court grants leave to do it at some other time or stage);
 - (b) as to the contents and form of notices or other documents;

Status: This is the original version (as it was originally enacted).

- (c) as to the manner in which evidence is to be submitted; and
- (d) as to persons to be served with notices or other material.