

SCHEDULES

SCHEDULE 1

Section 16

DOCUMENTS TO BE SERVED IN ACCORDANCE WITH CRIMINAL PROCEDURE RULES

Road Traffic Act 1960

- 1 In section 243 of the Road Traffic Act 1960 (proof, in summary proceedings under section 232 of that Act, of identity of driver of vehicle), in paragraph (a), for “by post” substitute “in accordance with Criminal Procedure Rules”.

Misuse of Drugs Act 1971

- 2 In section 29 of the Misuse of Drugs Act 1971 (service of documents), before subsection (1) insert—
- “(A1) In the application of this Act to criminal proceedings in England and Wales, any notice or other document required or authorised by any provision of this Act to be served on any person may be served on the person in accordance with Criminal Procedure Rules.
- (A2) In any other application of this Act, subsections (1) to (4) apply.”

Prices Act 1974

- 3 In paragraph 8 of the Schedule to the Prices Act 1974 (institution of proceedings)—
- (a) in sub-paragraph (3), after “person” insert “—
- (a) if the proceedings are to be instituted in England and Wales, in accordance with Criminal Procedure Rules; or
- (b) otherwise,”;
- (b) after that sub-paragraph insert—
- “(3A) For the purposes of sub-paragraph (3)(a)—
- (a) Criminal Procedure Rules (as they have effect from time to time) apply to the notice as if it were a document to be served in criminal proceedings before a magistrates’ court, and
- (b) any magistrates’ court may discharge functions conferred on a court by those Rules in relation to such service.”

Salmon and Freshwater Fisheries Act 1975

- 4 In paragraph 10 of Schedule 4 to the Salmon and Freshwater Fisheries Act 1975 (delivery up of licence by defendant)—

Status: This is the original version (as it was originally enacted).

- (a) in sub-paragraph (a), for “cause it to be delivered to the proper officer of the court” substitute “serve it on the proper officer of the court in accordance with Criminal Procedure Rules”;
- (b) omit paragraph (b);
- (c) in the words after paragraph (c), for the words from “posted” to “delivered” substitute “served the licence or authorisation under section 27A above”.

Isle of Man Act 1979

- 5 In section 5(1) of the Isle of Man Act 1979 (summonses etc for offences relating to common duties etc)—
- (a) omit “in the United Kingdom”;
 - (b) after “may” insert “, if the court is in England and Wales, be served in accordance with Criminal Procedure Rules or, if the court is in Scotland or Northern Ireland,”.

Magistrates’ Courts Act 1980

- 6 In section 82 of the Magistrates’ Courts Act 1980 (restriction on power to impose imprisonment for default), in subsection (5F), for the words from “by registered post” to the end substitute “in accordance with Criminal Procedure Rules”.

Public Passenger Vehicles Act 1981

- 7 In section 72 of the Public Passenger Vehicles Act 1981 (proof in summary proceedings of identity of driver of vehicle), in paragraph (a)—
- (a) for “rules made under section 15 of the Justices of the Peace Act 1949” substitute “Criminal Procedure Rules”;
 - (b) for “by post” substitute “in accordance with Criminal Procedure Rules”.

Video Recordings Act 1984

- 8 In section 19 of the Video Recordings Act 1984 (evidence by certificate)—
- (a) after subsection (4) insert—
 - “(4A) This section does not make a certificate admissible as evidence in proceedings in England and Wales for an offence unless a copy of the certificate has, not less than seven days before the hearing, been served on the person charged with the offence in accordance with Criminal Procedure Rules.”;
 - (b) in subsection (5), after “proceedings” insert “in Northern Ireland”.

Weights and Measures Act 1985

- 9 In section 83 of the Weights and Measures Act 1985 (prosecution of offences)—
- (a) in subsection (4), after “person” insert “—
 - (a) if the proceedings are to be instituted in England and Wales, in accordance with Criminal Procedure Rules; or
 - (b) if the proceedings are to be instituted in Scotland,”;
 - (b) after that subsection insert—

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

“(4A) For the purposes of subsection (4)(a)—

- (a) Criminal Procedure Rules (as they have effect from time to time) apply to the notice as if it were a document to be served in criminal proceedings before a magistrates’ court, and
- (b) any magistrates’ court may discharge functions conferred on a court by those Rules in relation to such service.”

Road Traffic Act 1988

10 (1) The Road Traffic Act 1988 is amended as follows.

(2) In section 164 (powers to require driving licence or date of birth)—

- (a) in subsection (10)—
 - (i) after “him” (in the first place it occurs) insert “—
 - (a) if the statement to the constable was made in England and Wales, in accordance with Criminal Procedure Rules, or
 - (b) if that statement was made elsewhere,”;
 - (ii) for “this subsection” (in both places it occurs) substitute “this paragraph”;
- (b) after subsection (10) insert—

“(10A) For the purposes of subsection (10)(a)—

- (a) Criminal Procedure Rules (as they have effect from time to time) apply to the notice as if it were a document to be served in criminal proceedings before a magistrates’ court, and
- (b) any magistrates’ court may discharge functions conferred on a court by those Rules in relation to such service.”

(3) In section 172 (duty to identify driver where offence alleged)—

- (a) in subsection (7), for “by post” substitute “in accordance with Criminal Procedure Rules, if the alleged offence took place in England and Wales, or by post otherwise”;
- (b) after that subsection insert—

“(7A) For the purposes of subsection (7) (as it applies in relation to an alleged offence in England and Wales)—

- (a) Criminal Procedure Rules (as they have effect from time to time) apply to the notice as if it were a document to be served in criminal proceedings before a magistrates’ court, and
- (b) any magistrates’ court may discharge functions conferred on a court by those Rules in relation to such service.”

Road Traffic Offenders Act 1988

11 (1) The Road Traffic Offenders Act 1988 is amended as follows.

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

- (2) In section 1 (requirement for warning etc before certain prosecutions), after subsection (1) insert—
- “(1ZA) In the case of an offence to be prosecuted in England and Wales, a notice required by this section to be served on any person may be served on that person in accordance with Criminal Procedure Rules.
- (1ZB) For the purposes of subsection (1ZA)—
- (a) Criminal Procedure Rules (as they have effect from time to time) apply to the notice as if it were a document to be served in criminal proceedings before a magistrates’ court, and
- (b) any magistrates’ court may discharge functions conferred on a court by those Rules in relation to such service.
- (1ZC) In the case of an offence to be prosecuted elsewhere, subsections (1A) and (2) apply.”
- (3) In section 12 (proof of identify of driver in summary proceedings), in subsections (1)(a) and (3)(a), for “by post” substitute “in accordance with Criminal Procedure Rules”.
- (4) In section 16 (documentary evidence as to specimens of breath, blood or urine), in subsection (6), after “may” insert “—
- (a) if the proceedings mentioned in section 15(1) take place in England and Wales, be served in accordance with Criminal Procedure Rules, or
- (b) if the proceedings take place elsewhere,”.
- (5) In section 25 (requirement to inform court of date of birth and sex following conviction), in subsection (7)—
- (a) after “him” (in the first place it occurs) insert “—
- “(a) if the conviction was in England and Wales, in accordance with Criminal Procedure Rules, or
- (b) if the conviction was elsewhere,”;
- (b) for “this subsection” (in both places it occurs) substitute “this paragraph”.
- (6) In section 85 (service of certain documents in connection with alleged offences), before subsection (1) insert—
- “(A1) Subsections (A2) to (A4) apply in relation to an offence alleged to have taken place in England and Wales.
- (A2) Subject to any requirement of this Part of this Act with respect to the manner in which a person may be provided with any such document, the person may be provided with the following documents in accordance with Criminal Procedure Rules (but without prejudice to any other method of providing them), that is to say—
- (a) any of the statutory statements mentioned in Schedule 4 to this Act, and
- (b) any of the documents mentioned in section 66(2) of this Act.
- (A3) A notice to owner may be served on any person in accordance with Criminal Procedure Rules.

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

- (A4) For the purposes of subsections (A2) and (A3)—
- (a) Criminal Procedure Rules (as they have effect from time to time) apply to the document to be provided or (as the case may be) the notice to be served as if it were a document to be served in criminal proceedings before a magistrates’ court, and
 - (b) any magistrates’ court may discharge functions conferred on a court by those Rules in relation to such service.
- (A5) Subsections (1) to (5) apply in relation to an offence alleged to have taken place outside England and Wales.”

Transport and Works Act 1992

- 12 In section 35 of the Transport and Works Act 1992 (documentary evidence as to specimens of breath, blood or urine), in subsection (7), after “means” insert “, in relation to proceedings in England and Wales, served in accordance with Criminal Procedure Rules or, otherwise,”.

Powers of Criminal Courts (Sentencing) Act 2000

- 13 (1) The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- (2) In section 60 (attendance centre orders), in subsection (11)(b), for the words from “send” to the end substitute “serve a copy on that person in accordance with Criminal Procedure Rules”.
- (3) In Schedule 5 (breach, revocation and amendment of attendance centre orders)—
- (a) in paragraph 4(5)(a), for the words from “send” to “abode” substitute “serve a copy on the offender in accordance with Criminal Procedure Rules”;
 - (b) in paragraph 5(3)(a), for the words from “send” to “abode” substitute “serve a copy on the offender in accordance with Criminal Procedure Rules”.

Criminal Justice and Police Act 2001

- 14 In section 27 of the Criminal Justice and Police Act 2001 (service of notices to do with closure of unlicensed premises)—
- (a) in subsection (1), for the words from “served” (in the second place it occurs) to the end of paragraph (d) substitute “served in accordance with Criminal Procedure Rules.”;
 - (b) after that subsection insert—
 - “(1A) For the purposes of subsection (1)—
 - (a) Criminal Procedure Rules (as they have effect from time to time) apply to the document to be served as if it were a document to be served in criminal proceedings before a magistrates’ court, and
 - (b) any magistrates’ court may discharge functions conferred on a court by those Rules in relation to such service.”;
 - (c) omit subsections (2) to (8).