
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision, with effect from 1st April 1987, as to the maximum period during which a person accused of any indictable offence except treason (including an offence triable either way) in the counties of Avon, Kent, Somerset and West Midlands may be kept in custody while awaiting trial or committal for trial.

Regulation 4 is concerned with custody time limits in relation to proceedings in magistrates' courts. The limit between the first appearance of the accused in court and the commencement of summary trial or, as the case may be, committal for trial is 70 days, except where the proceedings are commenced in the West Midlands in which case the limit is 98 days. If a decision to proceed to summary trial is taken within 56 days following the accused's first appearance, the limit up to the commencement of the trial is reduced to 56 days in all cases.

Regulations 5 and 6 are concerned with custody time limits in relation to proceedings in the Crown Court sitting at Birmingham, Bristol or Maidstone. The limit between committal (or the preferment of a voluntary bill or indictment) and arraignment is 112 days.

Regulation 7 deals with the procedure for applying to the Crown Court or a magistrates' court for an extension of a custody time limit. In particular, the prosecution is normally required to give the accused 5 days notice before applying to the Crown Court and 2 days before applying to a magistrates' court.

Regulation 8 makes consequential modifications in the application of the Bail Act 1976 in cases where a custody time limit applies.

Changes to legislation:

There are currently no known outstanding effects for the The Prosecution of Offences (Custody Time Limits) Regulations 1987.