
STATUTORY INSTRUMENTS

1988 No. 1635

The Crown Court (Amendment) (No. 3) Rules 1988

5. After rule 27 of the principal Rules there shall be inserted the following rule:—

“Appeals relating to time limits

27A.—(1) This rule applies —

- (a) to any appeal brought by an accused, under subsection (7) of section 22 of the Prosecution of Offences Act 1985, against a decision of a magistrates’ court to extend, or further extend, a time limit imposed by regulations made under subsection (1) of that section; and
- (b) to any appeal brought by the prosecution, under subsection (8) of the said section 22, against a decision of a magistrates’ court to refuse to extend, or further extend, such a time limit.

(2) An appeal to which this rule applies shall be commenced by the appellant’s giving notice in writing of appeal—

- (a) to the clerk to the magistrates’ court which took the decision;
- (b) if the appeal is brought by the accused, to the prosecutor and, if the prosecution is to be carried on by the Crown Prosecution Service, to the appropriate Crown Prosecutor;
- (c) if the appeal is brought by the prosecution, to the accused; and
- (d) to the appropriate officer of the Crown Court.

(3) The notice of an appeal to which this rule applies shall state the date on which the time limit applicable to the case is due to expire and, if the appeal is brought by the accused under section 22(7) of the Prosecution of Offences Act 1985, the date on which the time limit would have expired had the court decided not to extend or further extend the time limit.

(4) On receiving notice of an appeal to which this rule applies, the appropriate officer of the Crown Court shall enter the appeal and give notice of the time and place of the hearing to —

- (a) the appellant;
- (b) the other party to the appeal; and
- (c) the clerk to the magistrates’ court which took the decision.

(5) Without prejudice to the power of the Crown Court to give leave for an appeal to be abandoned, an appellant may abandon an appeal to which this rule applies by giving notice in writing to any person to whom notice of the appeal was required to be given by paragraph (2) not later than the third day preceding the day fixed for the hearing of the appeal:

Provided that, for the purpose of determining whether notice was properly given in accordance with this paragraph, there shall be disregarded any Saturday and Sunday and

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any day which is specified to be a bank holiday in England and Wales under section 1(1) of the Banking and Financial Dealings Act 1971(1).”.

(1) 1971 c. 80.