
STATUTORY INSTRUMENTS

1992 No. 2070

The Magistrates' Courts (Notice of Transfer) (Children's Evidence) Rules 1992

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Notice of Transfer) (Children's Evidence) Rules 1992 and shall come into force on 1st October 1992.

Interpretation

2. In these Rules—

“the Act” means the Criminal Justice Act 1991(1);

“notice of transfer” means a notice referred to in section 53(1) of the Act.

Transfer on bail

3. Where a person in respect of whom notice of transfer has been given is granted bail under paragraph 2(1) or (7) of Schedule 6 to the Act by the magistrates' court to which notice of transfer was given, the clerk of the court shall give notice thereof in writing to the governor of the prison or remand centre to which the said person would have been committed by that court if he had been committed in custody for trial.

Notice where person removed to hospital

4. Where a transfer direction has been given by the Secretary of State under section 47 or 48 of the Mental Health Act 1983(2) in respect of a person remanded in custody by a magistrates' court and, before the direction ceases to have effect notice of transfer is given in respect of that person, the clerk of the court to which notice of transfer was given shall give notice thereof in writing—

- (a) to the governor of the prison to which that person would have been committed by that court if he had been committed in custody for trial; and
- (b) to the managers of the hospital where he is detained.

Making of witness orders where person charged is not required to appear

5. Where by virtue of paragraph 2(5) of Schedule 6 to the Act, a person charged is no longer required to appear before a magistrates' court to which notice of transfer in respect of him has been given, that court shall fix a date on which it will exercise its functions under paragraph 3 of Schedule 6 to the Act and shall cause notice thereof to be given to the said person and to the Director of Public Prosecutions.

(1) 1991 c. 53.
(2) 1983 c. 20.

Documents etc. to be sent to Crown Court

6. As soon as practicable after a magistrates' court to which notice of transfer has been given has discharged the functions reserved to it under section 53(3) of the Act, the clerk of the magistrates' court shall send to the appropriate officer of the Crown Court—

- (a) a list of the names, addresses and occupations of the witnesses in respect of whom witness orders have been made;
- (b) a copy of the record made in pursuance of section 5 of the Bail Act 1976⁽³⁾ relating to the grant or withholding of bail in respect of the accused;
- (c) any recognizance entered into by any person as surety for the accused together with a statement of any enlargement thereof;
- (d) a copy of any legal aid order previously made in the case;
- (e) a copy of any contribution order previously made in the case under section 23 of the Legal Aid Act 1988⁽⁴⁾;
- (f) a copy of any legal aid application previously made in the case which has been refused;
- (g) any statement of means already submitted.

Forms

7. The forms set out in the Schedule to these Rules or forms to the like effect may be used in connection with proceedings in a magistrates' court to which a notice of transfer has been given.

27th August 1992

Mackay of Clashfern, C.

⁽³⁾ 1976 c. 63.

⁽⁴⁾ 1988 c. 34.