
STATUTORY INSTRUMENTS

1995 No. 555

CRIMINAL LAW, ENGLAND AND WALES

The Prosecution of Offences (Custody Time Limits) (Amendment) Regulations 1995

Made - - - - 25th February 1995
Laid before Parliament 13th March 1995
Coming into force - - 10th April 1995

The Secretary of State, in exercise of the powers conferred on him by sections 22(1) and (2) and 29(2) of the Prosecution of Offences Act 1985⁽¹⁾, hereby makes the following Regulations:

1. These Regulations may be cited as the Prosecution of Offences (Custody Time Limits) (Amendment) Regulations 1995 and shall come into force on 10th April 1995.

2.—(1) The Prosecution of Offences (Custody Time Limits) Regulations 1987⁽²⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation), for paragraph (2) there shall be substituted the following paragraph:

“(2) In these Regulations, a reference to a person’s first appearance in relation to proceedings in a magistrates’ court for an offence is—

- (a) in a case where that person has made an application under section 43B of the 1980 Act⁽³⁾, a reference to the time when he appears before the court on the hearing of that application;
- (b) in a case where that person appears or is brought before the court in pursuance of section 5B of the Bail Act 1976⁽⁴⁾ and the decision which is to be, or has been, reconsidered under that section is the decision of a constable, a reference to the time when he so appears or is brought; and
- (c) in any other case, a reference to the time when first he appears or is brought before the court on an information charging him with that offence.”

(1) 1985 c. 23.

(2) S.I. 1987/299, as amended by S.I. 1988/164, 1989/767, 1989/1107 and 1991/1515.

(3) The Magistrates’ Courts Act 1980 (c. 43); section 43B was inserted by paragraph 3 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33).

(4) 1976 c. 63; section 5B was inserted by section 30 of the Criminal Justice and Public Order Act 1994.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) In regulation 6 (bail on expiry of Crown Court custody time limit), in paragraph (6), after the word “shall” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994 (exclusion of bail in cases of homicide and rape),”.

(4) In regulation 8 (application of Bail Act 1976), in paragraph (2)—

- (a) in sub-paragraph (a) the subsection inserted in section 3 of the Bail Act 1976 shall be renumbered (10A); and
- (b) in sub-paragraph (b) the subsection inserted in section 4 of that Act shall be renumbered (8A).

Home Office
25th February 1995

Michael Howard
One of Her Majesty’s Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Prosecution of Offences (Custody Time Limits) Regulations 1987 (“the principal regulations”), as amended, in consequence of Part II of the Criminal Justice and Public Order Act 1994 (“the 1994 Act”).

Regulation 2(2) of these Regulations substitutes a new paragraph for regulation 2(2) of the principal regulations so that references to a person’s first appearance in proceedings in a magistrates’ court for an offence include a reference to his appearance on the hearing of an application under section 43B of the Magistrates’ Courts Act 1980 following the grant of police bail or on reconsideration of a bail decision under section 5B of the Bail Act 1976. Regulation 2(3) amends regulation 6(6) of the principal regulations so as to make the grant of bail on expiry of a Crown Court custody time limit subject to section 25 of the 1994 Act (which excludes bail in certain cases of homicide and rape).

Regulation 2(4) makes minor amendments to regulation 8(2) of the principal regulations by renumbering subsections inserted in sections 3 and 4 of the Bail Act 1976 by that paragraph.

By virtue of regulation 1, these amendments take effect on 10th April 1995.