
STATUTORY INSTRUMENTS

1997 No. 737

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 1987 (Notice of Transfer) (Amendment) Regulations 1997

Made - - - - 11th March 1997
Laid before Parliament 11th March 1997
Coming into force in accordance with regulation 1

The Attorney General, in exercise of the powers conferred upon him by sections 5(9) of the Criminal Justice Act 1987(1), hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Criminal Justice Act 1987 (Notice of Transfer) (Amendment) Regulations 1997 and shall, subject to paragraphs (2) and (3) below, come into force on 1st April 1997.

(2) Paragraphs (a)(ii) and (b)(i) of regulation 2 below shall have effect in the same way as section 65 of the Criminal Procedure and Investigations Act 1996(2) (abolition of witness orders) has effect.

(3) Paragraph (b)(ii) of regulation 2 below shall apply in relation to any alleged offences in relation to which section 74 of that Act (alibi) applies.

Amendment of 1988 Regulations

2. The Criminal Justice Act 1987 (Notice of Transfer) Regulations 1988(3) shall be amended as follows—

(a) in Form 1 in the Schedule—

(i) paragraph 4(b) for the words “seriousness and complexity” there shall be substituted the words “seriousness or complexity”;

(ii) paragraph 8, together with the heading “SCHEDULE OF PROPOSED WITNESSES” at the end of the Form, shall be omitted;

(1) 1987 c. 38. Section 5 was amended by section 144 of the Criminal Justice Act 1988 (c. 33) and section 45 of the Criminal Procedure and Investigations Act 1996 (c. 25).

(2) 1996 c. 25.

(3) S.I.1988/1691. There are no relevant amending instruments.

(b) in Form 2 in the Schedule—

(i) for paragraph 5 there shall be substituted the following paragraph—

“5. I enclose a list of witnesses—

(a) indicating those whom the Crown proposes to call to give oral evidence at your trial; and

(b) indicating those whose attendance at your trial the Crown considers unnecessary on the ground that their evidence is unlikely to be required or unlikely to be disputed;

together with copies of those statements or other documents outlining the evidence of those witnesses.”

(ii) paragraph 8 shall be omitted.

11th March 1997

Her Majesty’s Attorney General

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Justice Act 1987 (Notice of Transfer) Regulations 1988 concerning the special procedures for the transfer to the Crown Court of certain cases involving serious or complex fraud. They make changes to the form of notice of transfer and the form of notice to the defendant to take account of the abolition of witness orders, following the amendments to the general nature of committal proceedings, and of the incorporation into the general arrangements for compulsory disclosure by accused persons of particulars of any alibi defence.