

2000 No. 3360 (L. 26)

CRIMINAL LAW, ENGLAND AND WALES

The Indictments (Procedure) (Amendment) Rules 2000

Made - - - - - *20th December 2000*

Coming into force - - - *15th January 2001*

The Lord Chancellor, in exercise of the power conferred upon him by section 2(6) of the Administration of Justice (Miscellaneous Provisions) Act 1933^(a), hereby makes the following Rules:

1. These Rules may be cited as the Indictments (Procedure) (Amendment) Rules 2000 and shall come into force on 15th January 2001.

2.—(1) The Indictments (Procedure) Rules 1971^(b) shall be amended as follows.

(2) In rule 2—

(a) after the entry in respect of “committal proceedings”, there shall be inserted—
““sending for trial” means the sending of a person by a magistrates’ court to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998;”;

(b) after the entry in respect of “committal documents” (but before the proviso), after the words “tendered at any committal proceedings”, there shall be inserted:

“;
“given documents” means documents given to the Crown Court under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998 where a person is sent for trial under section 51 of that Act”; and

(c) in the proviso—

(i) after the words “committal documents”, there shall be inserted the words “or given documents”; and

(ii) after the words “Magistrates’ Courts Act 1980”, there shall be inserted “or paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998”.

(3) In rule 5(1), after sub-paragraph (c), there shall be inserted the following—

“;
(d) where a person is sent for trial under section 51 of the Crime and Disorder Act 1998, within a period of 28 days commencing with the date on which copies of the documents containing the evidence on which the charge or charges are based are served under paragraph 1 of Schedule 3 to that Act”.

(4) In rule 8—

(a) at the end of sub-paragraph (a), the word “and” shall be omitted; and

(b) after sub-paragraph (b), there shall be inserted the following:

“; and
(c) shall state whether there has been any sending for trial and any application for dismissal under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998, and the result of any such application”.

(a) 1933 c. 36; section 2(6) was amended by the Courts Act 1971 (c. 23), section 56(4) and Schedule 11, Part IV.

(b) S.I. 1971/2084; amended by S.I. 1983/284, 1988/1738, 1992/2197 and 1997/711.

- (5) In rule 9—
- (a) in paragraph (1), after the words “committal proceedings”, there shall be inserted the words “and no sending for trial”;
 - (b) in paragraph (2)—
 - (i) after the words “accused for trial,”, there shall be inserted “or there has been a sending for trial, and the charge or charges have been withdrawn or dismissed,”;
 - (ii) after the words “committal documents” (on each occasion where they appear), there shall be inserted the words “or given documents”; and
 - (c) in paragraph (3)—
 - (i) after the word “committed”, there shall be inserted the words “or sent”; and
 - (ii) after the words “committal documents” (on each occasion where they appear), there shall be inserted the words “or given documents”.
3. The Indictments (Procedure) (Modification) Rules 1998(a) are hereby revoked.

Dated 20th December 2000

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make a number of amendments to the Indictments (Procedure) Rules 1971 (S.I. 1971/2084) which are necessary in relation to the new procedure created by sections 51 and 52 of and Schedule 3 to the Crime and Disorder Act 1998 (c. 37) (no committal proceedings for indictable-only offences).

Rule 2(2) amends rule 2 of the 1971 Rules to include definitions relevant to the new procedure.

Rule 2(3) amends rule 5 of the 1971 Rules so that a bill of indictment shall be preferred within 28 days of the service of the prosecution case.

Rule 2(4) and (5) amends rules 8 and 9 of the 1971 Rules to make appropriate reference to the new procedure in relation to applications to the High Court for voluntary bills of indictment.

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- (a) The Indictments (Procedure) (Modification) Rules 1998 (S.I. 1998/3045) modified the Indictments (Procedure) Rules 1971 for certain areas only following the bringing into force of the new procedure created by sections 51 and 52 of and Schedule 3 to the 1998 Act in those areas.

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