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STATUTORY INSTRUMENTS

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**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 10**

**COMMITTAL FOR TRIAL**

**Restrictions on reports of committal proceedings**

**10.1.**—(1) Except in a case where evidence is, with the consent of the accused, to be tendered in his absence under section 4(4)(b) of the Magistrates' Courts Act 1980(1) (absence caused by ill health), a magistrates' court acting as examining justices shall before admitting any evidence explain to the accused the restrictions on reports of committal proceedings imposed by section 8 of that Act and inform him of his right to apply to the court for an order removing those restrictions.

(2) Where a magistrates' court has made an order under section 8(2) of the 1980 Act(2) removing restrictions on the reports of committal proceedings, such order shall be entered in the register.

(3) Where the court adjourns any such proceedings to another day, the court shall, at the beginning of any adjourned hearing, state that the order has been made.

*[Note. Formerly rule 5 of the Magistrates' Courts Rules 1981(3). On the coming into force of Schedule 3 to the Criminal Justice Act 2003(4) committal for trial will be abolished and cases triable either way will be sent to the Crown Court under sections 51 and 51A of the Crime and Disorder Act 1998(5) in the same way as cases triable only on indictment.]*

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- (1) 1980 c. 43; section 4(4)(b) was amended by paragraph 25 of Schedule 18 to the Courts and Legal Services Act 1990 (c. 41) and paragraph 2 of Schedule 1 to the Criminal Procedure and Investigations Act 1996 (c. 25), and is repealed by paragraph 51 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.
- (2) Section 8(2) was amended by sections 1(1) and 2 of the Criminal Justice (Amendment) Act 1981 (c. 27) and is repealed by paragraph 51 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.
- (3) S.I. 1981/552; amending instruments relevant to this Part are S.I. 1983/523, 1992/729, 1992/2072, 1994/1481, 1997/706, 2001/610 and 2003/1236.
- (4) 2003 c. 44.
- (5) 1998 c. 37; section 51 is substituted, and section 51A inserted, by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.