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STATUTORY INSTRUMENTS

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**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 10**

**COMMITTAL FOR TRIAL**

**Material to be sent to court of trial**

**10.5.**—(1) As soon as practicable after the committal of any person for trial, and in any case within 4 days from the date of his committal (not counting Saturdays, Sundays, Good Friday, Christmas Day or Bank Holidays), the magistrates' court officer shall, subject to the provisions of section 7 of the Prosecution of Offences Act 1985(1) (which relates to the sending of documents and things to the Director of Public Prosecutions), send to the Crown Court officer—

- (a) the information, if it is in writing;
- (b) (i) the evidence tendered in accordance with section 5A of the Magistrates' Courts Act 1980 and, where any of that evidence consists of a copy of a deposition or documentary exhibit which is in the possession of the court, any such deposition or documentary exhibit, and  
(ii) a certificate to the effect that that evidence was so tendered;
- (c) any notification by the prosecutor under section 5D(2) of the 1980 Act regarding the admissibility of a statement under section 23 or 24 of the Criminal Justice Act 1988(2) (first hand hearsay; business documents);
- (d) 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 on the occasion of the committal;
- (e) any recognizance entered into by any person as surety for the accused together with a statement of any enlargement thereof under section 129(4) of the 1980 Act;
- (f) a list of the exhibits produced in evidence before the justices or treated as so produced;
- (g) such of the exhibits referred to in paragraph (1)(f) as have been retained by the justices;
- (h) the names and addresses of any interpreters engaged for the defendant for the purposes of the committal proceedings, together with any telephone numbers at which they can be

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(1) 1985 c. 23; section 7 was amended by paragraphs 129 and 130 of Schedule 13 to the Access to Justice Act 1999 (c. 22) and paragraph 287 of Schedule 8 to the Courts Act 2003 (c. 39).

(2) 1988 c. 33; sections 23 and 24 were amended by paragraph 28 of Schedule 1 to the Criminal Procedure and Investigations Act 1996 (c. 25) and section 67 of, and paragraphs 15 and 16 of Schedule 4, and Schedule 6 to, the Youth Justice and Criminal Evidence Act 1999 (c. 23); section 24 was further amended by paragraphs 13 and 14 of Schedule 5 to the Crime (International Co-operation) Act 2003 (c. 32); both sections are repealed by section 136(a) of, and Part 6 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.

(3) 1976 c. 63; section 5 was amended by section 65(4) of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45), section 60(2) and (3) of the Criminal Justice Act 1982 (c. 48), paragraph 1 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 53 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 129(1) of the Criminal Justice and Police Act 2001 (c. 16), paragraph 182 of Schedule 8 to the Courts Act 2003 (c. 39) and Part 2 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), and is further amended by paragraph 48 of Schedule 3, paragraphs 1 and 2 of Schedule 36 and Part 2 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.

readily contacted, and details of the languages or dialects in connection with which they have been so engaged;

- (i) if the committal was under section 6(2) of the 1980 Act (committal for trial without consideration of the evidence), a statement to that effect;
- (j) if the magistrates' court has made an order under section 8(2) of the 1980 Act (removal of restrictions on reports of committal proceedings), a statement to that effect;
- (k) the certificate of the examining justices as to the costs of the prosecution under the Costs in Criminal Cases (General) Regulations 1986(4);
- (l) if any person under the age of 18 is concerned in the committal proceedings, a statement whether the magistrates' court has given a direction under section 39 of the Children and Young Persons Act 1933(5) (prohibition of publication of certain matter in newspapers);
- (m) a copy of any representation order previously made in the case;
- (n) a copy of any application for a representation order previously made in the case which has been refused; and
- (o) any documents relating to an appeal by the prosecution against the granting of bail.

(2) The period of 4 days specified in paragraph (1) may be extended in relation to any committal for so long as the Crown Court officer directs, having regard to the length of any document mentioned in that paragraph or any other relevant circumstances.

*[Note. Formerly rule 11 of the Magistrates' Courts Rules 1981. On the coming into force of Schedule 3 to the Criminal Justice Act 2003 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 in the same way as cases triable only on indictment.]*

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(4) S.I. 1986/1335.

(5) 1933 c. 12; section 39 was amended by sections 57(1) and 64(3) of, and Schedule 5 to, the Children and Young Persons Act 1963 (c. 37) and sections 37(2), 39 and 46 of, and Schedule 3 to, the Criminal Justice Act 1982 (c. 48), and is further amended by section 48 of, and paragraphs 1 and 2 of Schedule 2 to, the Youth Justice and Criminal Evidence Act 1999 (c. 23) with effect from a date to be appointed, when it will cease to have effect in relation to criminal proceedings.