
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 28

WITNESS SUMMONSES AND ORDERS

Application to a magistrates' court for summons to witness or warrant for his arrest

28.1.—(1) An application for the issue of a summons or warrant under section 97 or 97A of the Magistrates' Courts Act 1980(1) or paragraph 4 of Schedule 3 to the Crime and Disorder Act 1998(2) may be made by the applicant in person or by his counsel or solicitor.

(2) An application for the issue of such a summons may be made by delivering or sending the application in writing to the magistrates' court officer.

[Note. Formerly rule 107 of the Magistrates' Courts Rules 1981(3).]

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- (1) 1980 c. 43; relevant amendments were made to section 97 by the Criminal Justice (International Co-operation) Act 1990, Schedule 4, paragraph 2, the Criminal Procedure and Investigations Act 1996 (c. 25), section 51 and Schedule 1, Part 1, paragraph 7 and Schedule 5 and by S.I. 1996/675, Schedule, paragraph 2(4). Section 97 is further amended by the Courts Act 2003 (c. 39), Schedule 8, paragraph 230 and Schedule 10, with effect from a date to be appointed. Section 97A was inserted by the Criminal Procedure and Investigations Act 1996 (c. 25), Schedule 1, paragraph 8; it was amended by the Access to Justice Act 1999 (c. 22), Schedule 13, paragraphs 95 and 111. Section 97A is further amended by the Courts Act 2003 (c. 39), Schedule 8, paragraph 231 and Schedule 10, and is repealed by the Criminal Justice Act 2003 (c. 44), Schedule 3, Part 2, paragraph 51(1), (6)(a) and Schedule 37, Part 4, with effect from dates to be appointed.
- (2) 1998 c. 37; paragraph 4 of Schedule 3 was amended by the Access to Justice Act 1999 (c. 22), Schedule 13, paragraph 179(1) and (2) and by S.I. 2004/2035, Schedule, paragraphs 35, 37(1) and (3). It is further amended by the Criminal Justice Act 2003 (c. 44), Schedule 3, Part 1, paragraphs 15, 20(1), (4) and Part 2, paragraphs 68 and 72, with effect from a date to be appointed.
- (3) S.I. 1981/552; amending instruments relevant to this Part are S.I. 1983/523, 1997/706, 2001/610 and 2001/3361.