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STATUTORY INSTRUMENTS

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**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 12**

**SENDING FOR TRIAL**

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**Documents to be sent to the Crown Court**

**12.1.**—(1) As soon as practicable after any person is sent for trial (pursuant to section 51 of the Crime and Disorder Act 1998(1)), and in any event within 4 days from the date on which he is sent (not counting Saturdays, Sundays, Good Friday, Christmas Day or Bank Holidays), the magistrates' court officer shall, subject to section 7 of the Prosecution of Offences Act 1985(2) (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) the notice required by section 51(7) of the 1998 Act;
- (c) a copy of the record made in pursuance of section 5 of the Bail Act 1976(3) relating to the granting or withholding of bail in respect of the accused on the occasion of the sending;
- (d) any recognizance entered into by any person as surety for the accused together with any enlargement thereof under section 129(4) of the Magistrates' Courts Act 1980(4);
- (e) the names and addresses of any interpreters engaged for the defendant for the purposes of the appearance in the magistrates' court, together with any telephone numbers at which they can be readily contacted, and details of the languages or dialects in connection with which they have been so engaged;

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- (1) 1998 c. 37; section 51 is substituted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.
- (2) 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).
- (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.
- (4) 1980 c. 43; section 129(4) is amended by paragraph 51 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.

- (f) if any person under the age of 18 is concerned in the proceedings, a statement whether the magistrates' court has given a direction under section 39 of the Children and Young Persons Act 1933<sup>(5)</sup> (prohibition of publication of certain matter in newspapers);
- (g) a copy of any representation order previously made in the case;
- (h) a copy of any application for a representation order previously made in the case which has been refused; and
- (i) 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 sending for trial for so long as the Crown Court officer directs, having regard to any relevant circumstances.

*[Note. Formerly rule 11A of the Magistrates' Courts Rules 1981<sup>(6)</sup>. See also section 51 of the Crime and Disorder Act 1998. On the coming into force of Schedule 3 to the Criminal Justice Act 2003<sup>(7)</sup> section 51 of the 1998 Act will apply to either way as well as indictable only offences, and section 51A will extend the section 51 procedure to children and young persons<sup>(8)</sup>. For the procedure governing the service of evidence by the prosecution where an accused is sent for trial, see the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2000<sup>(9)</sup>.]*

### **Time for first appearance of accused sent for trial**

**12.2.** A Crown Court officer to whom notice has been given under section 51(7) of the Crime and Disorder Act 1998, shall list the first Crown Court appearance of the person to whom the notice relates in accordance with any directions given by the magistrates' court.

*[Note. Formerly rule 24ZA of the Crown Court Rules 1982<sup>(10)</sup>. The provisions of that rule regarding the listing of the first appearance within set periods of time no longer apply.]*

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(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.

(6) S.I. 1981/552, amended by S.I. 2000/3361, 2001/610 and 2003/1236.

(7) 2003 c. 44.

(8) Section 51A is 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.

(9) S.I. 2000/3305.

(10) S.I. 1982/1109, amended by S.I. 2000/3362.