
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 20

CUSTODY TIME LIMITS

Appeal to the Crown Court against a decision of a magistrates' court in respect of a custody time limit

20.1.—(1) This rule applies—

- (a) to any appeal brought by an accused, under section 22(7) of the Prosecution of Offences Act 1985(1), against a decision of a magistrates' court to extend, or further extend, a custody time limit imposed by regulations made under section 22(1) of the 1985 Act; and
- (b) to any appeal brought by the prosecution, under section 22(8) of the 1985 Act, against a decision of a magistrates' court to refuse to extend, or further extend, such a time limit.

(2) An appeal to which this rule applies shall be commenced by the appellant's giving notice in writing of appeal—

- (a) to the court officer for the magistrates' court which took the decision;
- (b) if the appeal is brought by the accused, to the prosecutor and, if the prosecution is to be carried on by the Crown Prosecution Service, to the appropriate Crown Prosecutor;
- (c) if the appeal is brought by the prosecution, to the accused; and
- (d) to the Crown Court officer.

(3) The notice of an appeal to which this rule applies shall state the date on which the custody time limit applicable to the case is due to expire and, if the appeal is brought by the accused under section 22(7) of the 1985 Act, the date on which the custody time limit would have expired had the court decided not to extend or further extend that time limit.

(4) On receiving notice of an appeal to which this rule applies, the Crown Court officer shall enter the appeal and give notice of the time and place of the hearing to—

- (a) the appellant;
- (b) the other party to the appeal; and
- (c) the court officer for the magistrates' court which took the decision.

(5) Without prejudice to the power of the Crown Court to give leave for an appeal to be abandoned, an appellant may abandon an appeal to which this rule applies by giving notice in writing to any person to whom notice of the appeal was required to be given by paragraph (2) of this rule not later than the third day preceding the day fixed for the hearing of the appeal:

Provided that, for the purpose of determining whether notice was properly given in accordance with this paragraph, there shall be disregarded any Saturday and Sunday and any day which

(1) 1985 c. 23; section 22(7) and (8) was amended by section 43 of the Crime and Disorder Act 1998.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

is specified to be a bank holiday in England and Wales under section 1(1) of the Banking and Financial Dealings Act 1971⁽²⁾.

[Note. Formerly rule 27A of the Crown Court Rules 1982⁽³⁾. See also section 22 of the Prosecution of Offences Act 1985, and for the procedure for applying for an extension of a custody time limit see the Prosecution of Offences (Custody Time Limits) Regulations 1987⁽⁴⁾.]

⁽²⁾ 1971 c. 80.

⁽³⁾ S.I. 1982/1109; amending instruments relevant to this Part are S.I. 1988/1635 and 2001/614.

⁽⁴⁾ S.I. 1987/299.