
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

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 and that amendment is in force for certain purposes; S.I. 2005/950. It was amended by paragraph 1 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4).
 - (2) 1985 c. 23; section 7 was amended paragraph 287 of Schedule 8 to the Courts Act 2003 (c. 39).
 - (3) 1976 c. 63; section 5 was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45), section 60 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 paragraph 48 of Schedule 3 to, and Parts 2 and 12 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44). The amendments in Schedule 3 of the 2003 Act are in force in relation to certain cases only. It is further amended by sections 41, 331 and 332 of, and paragraph 48 of Schedule 3, paragraphs 1 and 2 of Schedule 36, and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44) and section 208 of, and paragraphs 33 and 35 of Schedule 21 to, the Legal Services Act 2007 (c. 27), with effect from dates 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, 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⁽⁵⁾ (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. 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⁽⁶⁾, 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⁽⁷⁾. 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⁽⁸⁾.]

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.

(5) 1933 c. 12; section 39 was amended by sections 57 and 64 of, and Schedule 5 to, the Children and Young Persons Act 1963 (c. 37), sections 37 and 39 of, and Schedule 3 to, the Criminal Justice Act 1982 (c. 48) and it is 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.

(6) 2003 c. 44.

(7) 1998 c. 37; section 51A was inserted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) for certain purposes, and will be inserted for remaining purposes with effect from a date to be appointed. It was amended by section 49 of, and paragraph 5 of Schedule 1 to, the Violent Crime Reduction Act 2006 (c. 38).

(8) S.I. 2000/3305.