

2012 No. 1345

CRIMINAL LAW, ENGLAND AND WALES

The Crime and Disorder Act 1998 (Service of Prosecution Evidence) (Amendment) Regulations 2012

<i>Made</i>	- - - -	<i>18th May 2012</i>
<i>Laid before Parliament</i>		<i>22nd May 2012</i>
<i>Coming into force</i>	- -	<i>18th June 2012</i>

The Attorney General makes the following Regulations in exercise of the power conferred by paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998(a):

Citation and commencement

1. These Regulations may be cited as the Crime and Disorder Act 1998 (Service of Prosecution Evidence) (Amendment) Regulations 2012 and come into force on 18th June 2012.

Amendment of the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005

2.—(1) The Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005(b) are amended as follows.

(2) In regulation 2—

- (a) before sub-paragraph (a), omit “under section 51 of the 1998 Act” and after “section 52(1)(a) of the” insert “1998”;
- (b) in sub-paragraph (b), for the words from “specified” to the end substitute “at which that person is to be tried”.

(3) In regulation 3, for the words from “specified” to “Act” substitute “at which the person sent for trial is to be tried”.

18th May 2012

Dominic Grieve
Her Majesty’s Attorney General

(a) 1998 c. 37; paragraph 1 of Schedule 3 was amended by the Access to Justice Act 1999 (c. 22), sections 67(1) and 106 and Schedule 15 and the Criminal Justice Act 2003 (c. 44), section 41 and Schedule 3, paragraph 20(2).
(b) S.I. 2005/902.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005 (S.I. 2005/902) (“the 2005 Regulations”). The 2005 Regulations presently make provision for the service of copies of documents containing the evidence on which any charge or charges are based where a person is sent for trial under section 51 of the Crime and Disorder Act 1998 (c. 37) (“the 1998 Act”). In particular, the 2005 Regulations provide that the copies are to be served on the person sent for trial and the relevant Crown Court within a prescribed period.

These Regulations amend the 2005 Regulations in consequence of the coming into force in certain areas of Schedule 3 to the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”). Schedule 3, in particular, amends the 1998 Act to expand the circumstances in which a person is to be sent by a magistrates’ court to the Crown Court for trial for an offence. The 2005 Regulations are amended so that they apply where a person is sent for trial under the 1998 Act, whether under the 1998 Act as amended by Schedule 3 to the 2003 Act or not.

A regulatory impact assessment has not been prepared for these Regulations as no impact on the private or voluntary sectors is foreseen.

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