

SCHEDULES

SCHEDULE 2

Section 15.

MINOR AND CONSEQUENTIAL AMENDMENTS

Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)

- 1 (1) The following paragraph shall be inserted after paragraph (a) of subsection (2) of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedures for indictment of offenders)—
- “(aa) the offence is specified in a notice of transfer under section 4 of the Criminal Justice Act 1987 (serious and complex fraud); or”.
- (2) The following paragraph shall be inserted after paragraph (i) of the proviso to that subsection—
- “(iA) in a case to which paragraph (aa) above applies, the bill of indictment may include, either in substitution for or in addition to any count charging an offence specified in the notice of transfer, any counts founded on evidence set out in the statement of evidence that was included in or accompanied that notice, in pursuance of regulations under section 5(9) of the Criminal Justice Act 1987, being counts which may lawfully be joined in the same indictment;”.

Criminal Justice Act 1967 (c. 80)

- 2 At the end of section 11(8) of the Criminal Justice Act 1967 (by virtue of which the period for giving notice of an alibi is 7 days from the end of the proceedings before the examining justices) there shall be added the words "or, where a notice of transfer has been given under section 4 of the Criminal Justice Act 1987, of the giving of that notice".

Criminal Appeal Act 1968 (c. 19)

- 3 At the end of subsection (1) of section 33 of the Criminal Appeal Act 1968 (right of appeal to House of Lords) there shall be added the words "or section 9 (preparatory hearings) of the Criminal Justice Act 1987".
- 4 In section 36 of that Act (bail on appeal by defendant) after the word "Lords," there shall be inserted the words "other than a person appealing or applying for leave to appeal from a decision on an appeal under section 9(11) of the Criminal Justice Act 1987 (appeals against orders or rulings at preparatory hearings),".
- 5 In section 38 of that Act (presence of defendant at hearing) after the word "who" there shall be inserted the words "has been convicted of an offence and".

Status: This is the original version (as it was originally enacted).

Prosecution of Offences (Northern Ireland) Order 1972 (S.I., 1972, No. 538 N.I. 1.)

- 6 In Article 5(3) of the Prosecution of Offences (Northern Ireland) Order 1972 (which makes provision, amongst other things, for the functions of the Director of Public Prosecutions in Northern Ireland in relation to the conduct of criminal proceedings) after the word "Director" there shall be inserted the words ", subject to any provision contained in the Criminal Justice Act 1987".

Legal Aid Act 1974 (c. 4.)

- 7 The following subsection shall be inserted after section 28(7) of the Legal Aid Act 1974—

“(7A) Where a notice of transfer is given under section 4 of the Criminal Justice Act 1987, the magistrates' court in whose jurisdiction the offence was charged or the Crown Court may order that the person charged shall be given legal aid for the purpose of the trial.”.

- 8 The following subsection shall be inserted after section 28(8) of that Act—

“(8A) The Crown Court or the criminal division of the Court of Appeal may order that a person shall be given legal aid for the purpose—

- (a) of an application for leave to appeal under section 9(11) of the Criminal Justice Act 1987 (appeals against orders or rulings at preparatory hearings); or
- (b) of an appeal under that subsection.”.

Bail Act 1976 (c. 63.)

- 9 The following subsection shall be inserted after section 3(8) of the Bail Act 1976—

“(8A) Where a notice of transfer is given under section 4 of the Criminal Justice Act 1987, subsection (8) above shall have effect in relation to a person in relation to whose case the notice is given as if he had been committed on bail to the Crown Court for trial.”.

Supreme Court Act 1981 (c. 54.)

- 10 In section 76 of the Supreme Court Act 1981 (alteration by Crown Court of place of trial)—

- (a) in subsection (1), after the word "or", in the second place where it occurs, there shall be inserted the words "by substituting some other place for the place specified in a notice under section 4 of the Criminal Justice Act 1987 (notices of transfer from magistrates' court to Crown Court) or by varying";
- (b) after subsection (2), there shall be inserted the following subsection—

“(2A) . Where a preparatory hearing has been ordered under section 7 of the Criminal Justice Act 1987, directions altering the place of trial may be given under subsection (1) at any time before the jury are sworn”; and

- (c) in subsection (3), for the word "or", in the second place where it occurs, there shall be substituted the words "as specified in a notice under section 4 of the Criminal Justice Act 1987 or as fixed".

Status: This is the original version (as it was originally enacted).

- 11 In section 77(1) of that Act (by virtue of which Crown Court Rules are required to prescribe the minimum and maximum period which may elapse between a person's committal for trial and the beginning of the trial) after the word "trial", in the first place where it occurs, there shall be inserted the words "or the giving of a notice of transfer under section 4 of the Criminal Justice Act 1987".
- 12 In section 81(1)(a) of that Act (power of Crown Court to grant bail to any person committed in custody for appearance before the Crown Court) after the word "Court" there shall be inserted the words "or in relation to whose case a notice of transfer has been given under section 4 of the Criminal Justice Act 1987".

Prosecution of Offences Act 1985 (c. 23.)

- 13 In section 3(2) of the Prosecution of Offences Act 1985 (which makes provision, amongst other things, for the duties of the Director of Public Prosecutions in relation to the conduct of criminal proceedings) after the word "Director" there shall be inserted the words ", subject to any provisions contained in the Criminal Justice Act 1987".
- 14 The following paragraph shall be inserted after paragraph (a) of section 16(2) of that Act (defendant's costs order)—
“(aa) a notice of transfer is given under section 4 of the Criminal Justice Act 1987 but a person in relation to whose case it is given is not tried on a charge to which it relates; or”.
- 15 The following subsection shall be inserted after section 16(4) of that Act—
“(4A) The court may also make a defendant's costs order in favour of the accused on an appeal under section 9(11) of the Criminal Justice Act 1987 (appeals against orders or rulings at preparatory hearings).”.
- 16 At the end of subsection (2)(b) of section 18 of that Act (award of costs against accused) there shall be added “or
(c) an appeal or application for leave to appeal under section 9(11) of the Criminal Justice Act 1987;”.