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SCHEDULE 4

TRANSFER FOR TRIAL

PART II

CONSEQUENTIAL AMENDMENTS

Preliminary

- 1 In this Part of this Schedule—
- “the 1853 Act” means the Criminal Procedure Act 1853;
 - “the 1878 Act” means the Territorial Waters Jurisdiction Act 1878;
 - “the 1883 Act” means the Explosive Substances Act 1883;
 - “the 1933 Act” means the Administration of Justice (Miscellaneous Provisions) Act 1933;
 - “the 1948 Act” means the Criminal Justice Act 1948;
 - “the 1952 Act” means the Prison Act 1952;
 - “the 1955 Act” means the Army Act 1955;
 - “the 1957 Act” means the Naval Discipline Act 1957;
 - “the 1967 Act” means the Criminal Justice Act 1967;
 - “the 1968 Act” means the Firearms Act 1968;
 - “the 1969 Act” means the Children and Young Persons Act 1969;
 - “the 1973 Act” means the Powers of Criminal Courts Act 1973;
 - “the 1976 Act” means the Bail Act 1976;
 - “the 1978 Act” means the Interpretation Act 1978;
 - “the 1979 Act” means the Customs and Excise Management Act 1979;
 - “the 1980 Act” means the Magistrates' Courts Act 1980;
 - “the 1981 Act” means the Supreme Court Act 1981;
 - “the 1982 Act” means the Criminal Justice Act 1982;
 - “the 1983 Act” means the Mental Health Act 1983;
 - “the 1984 Act” means the County Courts Act 1984;
 - “the 1985 Act” means the Prosecution of Offences Act 1985;
 - “the 1986 Act” means the Agricultural Holdings Act 1986;
 - “the 1987 Act” means the Criminal Justice Act 1987;
 - “the 1988 Act” means the Legal Aid Act 1988;
 - “the 1991 Act” means the Criminal Justice Act 1991; and
 - “the 1992 Act” means the Sexual Offences (Amendment) Act 1992.

Criminal Procedure Act 1853 (c. 30.)

- 2 In section 9 of the 1853 Act (bringing up a prisoner to give evidence), for the words “under commitment for trial” there shall be substituted the words “pending his trial in the Crown Court”.

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Territorial Waters Jurisdiction Act 1878 (c. 73.)

- 3 In section 4 of the 1878 Act (procedure under that Act), for the words “committal of” there shall be substituted the words “transfer of proceedings against”.

Explosive Substances Act 1883 (c. 3.)

- 4 In section 6(3) of the 1883 Act (inquiry by Attorney-General, and apprehension of absconding witnesses), for the words “committing for trial of” there shall be substituted the words “consideration of an application for dismissal under section 6 of the Magistrates' Courts Act 1980 made by such person for such crime or the transfer for trial of proceedings against”.

Children and Young Persons Act 1933 (c. 12.)

- 5 In section 42 of the Children and Young Persons Act 1933 (deposition of child or young person), for subsection (2)(a) there shall be substituted the following paragraph—

“(a) if the deposition relates to an offence in respect of which proceedings have already been transferred to the Crown Court for trial, to the proper officer of the court to which the proceedings have been transferred; and”.

- 6 In section 56(1) of the Children and Young Persons Act 1933 (powers of courts to remit young offenders to youth court)—
- (a) for the words “the offender was committed” there shall be substituted the words “proceedings against the offender were transferred”; and
 - (b) for the words “he was not committed” there shall be substituted the words “proceedings against him were not transferred”.

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

- 7 (1) Section 2 of the 1933 Act (procedure for indictment of offenders) shall be amended as follows.

(2) In subsection (2)—

(a) for paragraph (a) there shall be substituted the following paragraph—

“(a) the proceedings for the offence have been transferred to the Crown Court for trial; or”;

(b) for proviso (i) there shall be substituted the following proviso—

“(i) where the proceedings for the offence have been transferred to the Crown Court for trial, the bill of indictment against the person charged may include, either in substitution for or in addition to counts charging the offence in respect of which proceedings have been transferred, any counts founded on the evidence contained in the documents sent to the Crown Court by the magistrates' court on transferring the proceedings, being counts which may lawfully be joined in the same indictment;”;

(c) in proviso (iA)—

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- (i) for the word “material” there shall be substituted the words “the evidence contained in the documents”; and
 - (ii) after the words “person charged” there shall be inserted the words “or which is referred to in those documents as having already been sent to the person charged”; and
 - (d) in proviso (ii), for the words “the committal” there shall be substituted the words “charge the proceedings on which were transferred for trial”.
- (3) In subsection (3), in proviso (b), for the words from “a person” to “for trial” there shall be substituted the words “proceedings against a person have been transferred for trial and that person”.

Criminal Justice Act 1948 (c. 58.)

- 8 (1) The 1948 Act shall be amended as follows.
- (2) In section 27(1) (remand and committal of persons aged 17 to 20), for the words “trial or sentence” there shall be substituted the words “sentence or transfers proceedings against him for trial”.
- (3) In section 80(1) (interpretation of expressions used in the Act), in the definition of “Court of summary jurisdiction”, for the words from “examining” to the end there shall be substituted the words “a magistrates' court proceeding with a view to transfer for trial;”.

Prison Act 1952 (c. 52.)

- 9 (1) Section 43 of the 1952 Act (remand centres, etc.) shall be amended as follows.
- (2) In subsection (1)(a)—
- (a) the words “trial or” shall be omitted; and
 - (b) after the word “sentence” there shall be inserted the words “or are ordered to be safely kept in custody on the transfer of proceedings against them for trial”.
- (3) In subsection (2)—
- (a) in paragraph (b)—
 - (i) the words “trial or” shall be omitted; and
 - (ii) after the word “sentence” there shall be inserted the words “or is ordered to be safely kept in custody on the transfer of proceedings against her for trial”; and
 - (b) in paragraph (c)—
 - (i) the words “trial or” shall be omitted; and
 - (ii) after the word “sentence” there shall be inserted the words “or ordered to be safely kept in custody on the transfer of proceedings against him for trial”.
- 10 In section 47(5) of the 1952 Act (rules for the management of prisons, remand centres, etc.), for the words “committed in custody” there shall be substituted the words “ordered to be safely kept in custody on the transfer of proceedings against them”.

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Army Act 1955 (c. 18.)

- 11 In section 187(4) of the 1955 Act (proceedings against persons suspected of illegal absence)—
- (a) for the words from “courts of” to “justices” there shall be substituted the words “magistrates' courts proceeding with a view to transfer for trial”; and
 - (b) for the words “so acting” there shall be substituted the words “so proceeding”.

Air Force Act 1955 (c. 19.)

- 12 In section 187(4) of the Air Force Act 1955 (proceedings against persons suspected of illegal absence)—
- (a) for the words from “courts of” to “justices” there shall be substituted the words “magistrates' courts proceeding with a view to transfer for trial”; and
 - (b) for the words “so acting” there shall be substituted the words “so proceeding”.

Geneva Conventions Act 1957 (c. 52.)

- 13 In section 5 of the Geneva Conventions Act 1957 (reduction of sentence and custody of protected persons)—
- (a) in subsection (1), for the word “committal” there shall be substituted the words “the transfer of the proceedings against him”; and
 - (b) in subsection (2)—
 - (i) for the word “committal” the first time it occurs there shall be substituted the words “the transfer of the proceedings against him”; and
 - (ii) for the words “remand or committal order” there shall be substituted the words “court on remanding him or transferring proceedings against him for trial”.

Naval Discipline Act 1957 (c. 53.)

- 14 In section 109(4) of the 1957 Act (proceedings against persons suspected of illegal absence)—
- (a) for the words from “1952” to “justices” there shall be substituted the words “1980, that is to say the provisions relating to the constitution and procedure of magistrates' courts proceeding with a view to transfer for trial”; and
 - (b) for the words “so acting” there shall be substituted the words “so proceeding”.

Criminal Justice Act 1967 (c. 80.)

- 15 (1) The 1967 Act shall be amended as follows.
- (2) In section 9 (general admissibility of written statements), in subsection (1), for the words “committal proceedings” there shall be substituted the words “proceedings under sections 4 to 6 of the Magistrates' Courts Act 1980”.

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- (3) In section 11 (notice of alibi), in subsection (8), in the definition of “the prescribed period”, for the words from “the end” to “or” there shall be substituted the words “the transfer of the proceedings to the Crown Court for trial, or”.

Criminal Appeal Act 1968 (c. 19.)

- 16 In section 1(3) of the Criminal Appeal Act 1968 (limitation of right of appeal in case of scheduled offence), for the word “committed” there shall be substituted the words “transferred proceedings against”.

Firearms Act 1968 (c. 27.)

- 17 In paragraph 3(3) of Part II of Schedule 6 to the 1968 Act (trial of certain offences under that Act)—
- (a) after the word “If” there shall be inserted the words “, under section 6 of the said Act of 1980,”;
 - (b) for the words from “determines” to “for trial” there shall be substituted the words “dismisses the charge against the accused”;
 - (c) in sub-subparagraph (a), for the words from “inquire” to “justices” there shall be substituted the words “proceed with a view to transferring for trial proceedings for the listed offence”;
 - (d) in sub-subparagraph (b)—
 - (i) for the words “inquire into” there shall be substituted the words “proceed in respect of”; and
 - (ii) for the words from “its inquiry” to “justices” there shall be substituted the words “a view to transferring for trial proceedings for that offence”.

Theft Act 1968 (c. 60.)

- 18 In section 28(4) of the Theft Act 1968 (orders for restitution), for the words from “, the depositions” to the end there shall be substituted the words “and, where the proceedings have been transferred to the Crown Court for trial, the documents sent to the Crown Court by the magistrates’ court under section 7(3)(b) of the Magistrates’ Courts Act 1980.”.

Children and Young Persons Act 1969 (c. 54.)

- 19 In section 23(1) of the 1969 Act (remands and committals to local authority accommodation)—
- (a) in paragraph (a), for the words “or commits him for trial or sentence” there shall be substituted the words “, transfers proceedings against him for trial or commits him for sentence”; and
 - (b) for the words “the remand or committal shall be” there shall be substituted the words “he shall be remanded or committed”.

Powers of Criminal Courts Act 1973 (c. 62.)

- 20 In section 21(2) of the 1973 Act (restriction on imposing sentences of imprisonment, etc., on persons not legally represented)—

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- (a) for the words “or trial” there shall be substituted the words “or in respect of whom proceedings have been transferred to the Crown Court for trial”; and
- (b) after the words “committed him” there shall be inserted the words “or which transferred proceedings against him”.

21 In section 32(1)(b) of the 1973 Act (enforcement, etc., of fines imposed and recognizances forfeited by Crown Court)—

- (a) the words “tried or” shall be omitted; and
- (b) after the words “dealt with” there shall be inserted the words “or which transferred proceedings against him to the Crown Court for trial”.

Bail Act 1976 (c. 63.)

22 In section 3 of the 1976 Act (incidents of bail in criminal proceedings)—

- (a) in subsection (8) (variation and imposition of bail conditions by court), for the words from “committed” to “trial or” there shall be substituted the words “released a person on bail on transferring proceedings against him to the Crown Court for trial or has committed him on bail to the Crown Court”; and
- (b) in subsection (8A), for the words “committed on bail” there shall be substituted the words “released on bail on the transfer of proceedings against him”.

23 In section 5 of the 1976 Act (supplementary provisions about decisions on bail)—

- (a) in subsection (6)(a)—
 - (i) for the word “committing” there shall be substituted the words “transferring proceedings against”; and
 - (ii) after the words “Crown Court” where they occur first, there shall be inserted the words “or has already done so”; and
- (b) in subsection (6A)(a), for sub-paragraph (i) there shall be substituted the following sub-paragraph—
 - “(i) section 4(4) (adjournment when court is proceeding with a view to transfer for trial);”.

24 In section 6(6)(b) of the 1976 Act (absconding by person released on bail), for the words from “commits” to “another offence” there shall be substituted the words “transfers proceedings against that person for another offence to the Crown Court for trial”.

25 In section 9(3)(b) of the 1976 Act (agreeing to indemnify sureties in criminal proceedings), for the words from “commits” to “another offence” there shall be substituted the words “transfers proceedings against that person for another offence to the Crown Court for trial”.

Sexual Offences (Amendment) Act 1976 (c. 82.)

26 In section 3 of the Sexual Offences (Amendment) Act 1976 (application of restrictions on evidence at trials for rape etc. to committal proceedings etc.), for subsection (1) there shall be substituted the following subsection—

- “(1) Where a magistrates' court considers an application for dismissal of a charge for a rape offence, then, except with the consent of the court, evidence shall not be adduced and a question shall not be asked at the consideration of

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the application which, if the proceedings were a trial at which a person is charged as mentioned in subsection (1) of the preceding section and each of the accused in respect of whom the application for dismissal is made were charged at the trial with the offences to which the application relates, could not be adduced or asked without leave in pursuance of that section.”.

- 27 In section 4(6)(c) of the Sexual Offences (Amendment) Act 1976 (anonymity of complainants in rape etc. cases), for the words “commits him for trial on” there shall be substituted the words “transfers proceedings against him for trial for”.

Interpretation Act 1978 (c. 30.)

- 28 In Schedule 1 to the 1978 Act—
- (a) in the definition of “Committed for trial”, paragraph (a) shall be omitted; and
 - (b) after the definition of “The Tax Acts” there shall be inserted the following definition—

““Transfer for trial” means the transfer of proceedings against an accused to the Crown Court for trial under section 7 of the Magistrates' Courts Act 1980.”.

Customs and Excise Management Act 1979 (c. 2.)

- 29 (1) The 1979 Act shall be amended as follows.
- (2) In section 147 (proceedings for offences under customs and excise Acts), in subsection (2), for the words from the beginning to “justices” there shall be substituted the words “Where, in England or Wales, on an application under section 6 of the Magistrates' Courts Act 1980 for dismissal of a charge under the customs and excise Acts, the court has begun to consider the evidence and any representations permitted under that section,”.
 - (3) In section 155 (persons who may conduct proceedings under customs and excise Acts), in subsection (1), for the words “examining justices” there shall be substituted the words “magistrates' court proceeding with a view to transfer for trial”.

Reserve Forces Act 1980 (c. 9.)

- 30 In paragraph 2(4) of Schedule 5 to the Reserve Forces Act 1980 (proceedings against persons suspected of illegal absence)—
- (a) for the words “acting as examining justices” there shall be substituted the words “proceeding with a view to transfer for trial”; and
 - (b) for the words “so acting” there shall be substituted the words “so proceeding”.

Magistrates' Courts Act 1980 (c. 43.)

- 31 (1) Section 2 of the 1980 Act (jurisdiction of magistrates' courts) shall be amended as follows.
- (2) In subsection (3), for the words from “as examining” to “any offence” there shall be substituted the words “to proceed with a view to transfer for trial where the offence charged was”.

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- (3) In subsection (4), for the words “as examining justices” there shall be substituted the words “to proceed with a view to transfer for trial”.
- (4) In subsection (5), for the words “as examining justices” there shall be substituted the words “to proceed with a view to transfer for trial”.
- 32 In section 19 of the 1980 Act (court to consider mode of trial of either way offence), in subsection (4), for the words from “to inquire” to the end of the subsection there shall be substituted the words “with a view to transfer for trial”.
- 33 In section 20 of the 1980 Act (procedure where summary trial appears more suitable), in subsection (3)(b), for the words from “to inquire” to the end there shall be substituted the words “with a view to transfer for trial”.
- 34 In section 21 of the 1980 Act (procedure where trial on indictment appears more suitable), for the words from “to inquire” to the end there shall be substituted the words “with a view to transfer for trial”.
- 35 (1) Section 23 of the 1980 Act (procedure where court proceeds to determine mode of trial in absence of accused) shall be amended as follows.
- (2) In subsection (4)(b)—
- (a) for the words from “to inquire” to “justices” there shall be substituted the words “with a view to transfer for trial”; and
 - (b) for the word “hearing” there shall be substituted the word “proceedings”.
- (3) In subsection (5)—
- (a) for the words from “to inquire” to “justices” there shall be substituted the words “with a view to transfer for trial”; and
 - (b) for the word “hearing” there shall be substituted the word “proceedings”.
- 36 (1) Section 24 of the 1980 Act (trial of child or young person for indictable offence) shall be amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b), for the word “commit” there shall be substituted the words “proceed with a view to transferring the proceedings in relation to”; and
 - (b) for the words from “commit the accused” to the end there shall be substituted the words “proceed with a view to transferring the proceedings against the accused for trial”.
- (3) In subsection (2), for the words from “commits” to “him for trial” there shall be substituted the words “proceeds with a view to transferring for trial the proceedings in relation to a person under the age of 18 years for an offence with which he is charged jointly with a person who has attained that age, the court may also proceed with a view to transferring for trial proceedings against him”.
- 37 (1) Section 25 of the 1980 Act (court’s power to change from summary trial to committal proceedings and vice versa) shall be amended as follows.
- (2) In subsection (2)—
- (a) for the words from “to inquire” to “justices” there shall be substituted the words “with a view to transfer for trial”; and
 - (b) for the word “hearing” there shall be substituted the word “proceedings”.
- (3) For subsection (3) there shall be substituted the following subsection—

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“(3) Where on an application for dismissal of a charge under section 6 above the court has begun to consider the evidence and any representations permitted under that section, then, if at any time during its consideration it appears to the court, having regard to any of the evidence or representations, and to the nature of the case, that the offence is after all more suitable for summary trial, the court may—

- (a) if the accused is present, after doing as provided in subsection (4) below, ask the accused whether he consents to be tried summarily and, if he so consents, may (subject to subsection (3A) below) proceed to try the information summarily; or
- (b) in the absence of the accused—
 - (i) if the accused’s consent to be tried summarily is signified by the person representing him, proceed to try the information summarily; or
 - (ii) if that consent is not so signified, adjourn the proceedings without remanding the accused, and if it does so, the court shall fix the time and place at which the proceedings are to be resumed and at which the accused is required to appear or be brought before the court in order for the court to proceed as provided in paragraph (a) above.”.

(4) In subsection (5), in paragraph (b), for the words from “inquire” to “fall” there shall be substituted the words “consider the evidence and any representations permitted under section 6 above on an application for dismissal of a charge in a case in which, under paragraph (a) or (b) of section 24(1) above, the court is required to proceed with a view to transferring the proceedings to the Crown Court for trial,”.

(5) In subsection (6)—

- (a) for the words from “to inquire” to “justices” there shall be substituted the words “with a view to transfer for trial”; and
- (b) for the word “hearing” there shall be substituted the word “proceedings”.

(6) In subsection (7), for the words “the inquiry” there shall be substituted the words “its consideration of the evidence and any representations permitted under section 6 above.”.

38 For section 26 of the 1980 Act (power to issue summons in certain circumstances) there shall be substituted the following section—

“26 Power to issue summons in certain circumstances

Where, in the circumstances mentioned in section 23(1)(a) above, the court is not satisfied that there is good cause for proceeding in the absence of the accused, the justice or any of the justices of which the court is composed may issue a summons directed to the accused requiring his presence before the court; and if the accused is not present at the time and place appointed for the proceedings under section 19(1) or 22(1) above, as the case may be, the court may issue a warrant for his arrest.”.

39 In section 28 of the 1980 Act (use in summary trial of evidence given in committal proceedings)—

- (a) for the words from “inquire” to “justices” there shall be substituted the words “consider the evidence under section 6 above”; and

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- (b) for the words from “then” to “any” there shall be substituted the words “any oral”.
- 40 In section 29 of the 1980 Act (remission of person under 18 to youth court for trial), in subsection (2)(b)(i), for the words from “to inquire” to “discharges him” there shall be substituted the words “with a view to transfer for trial”.
- 41 In section 42 of the 1980 Act (restriction on justices sitting after dealing with bail), in subsection (2), for the words “committal proceedings” there shall be substituted the words “proceedings before the court on an application for dismissal of a charge under section 6 above.”.
- 42 (1) Section 97 of the 1980 Act (summons to witness) shall be amended as follows.
- (2) In subsection (1)—
- (a) the words from “at an inquiry” to “be) or” shall be omitted; and
- (b) for the words “such a court” there shall be substituted the words “a magistrates' court for that county, that London commission area or the City (as the case may be)”.
- (3) After subsection (1) there shall be inserted the following subsection—
- “(1A) Where a magistrates' court is proceeding with a view to transferring proceedings against an accused for an offence to the Crown Court for trial, subsection (1) above shall apply in relation to evidence or a document or thing material to the offence subject to the following modifications—
- (a) no summons shall be issued by a justice of the peace after the expiry of the period within which a notice of the prosecution case under section 5 above must be served or the service of the notice of the prosecution case, if sooner; and
- (b) the summons shall require the person to whom it is directed to attend before the justice issuing it or another justice for that county, that London commission area or the City of London (as the case may be) to have his evidence taken as a deposition or to produce any document or thing.”.
- (4) In subsection (2)—
- (a) after the words “subsection (1)” there shall be inserted the words “or (1A)”; and
- (b) after the word “court” there shall be inserted the words “or justice, as the case may be,”.
- (5) In subsection (2A), after the words “subsection (1)” there shall be inserted the words “or (1A)”.
- (6) In subsections (3) and (4), after the words “a magistrates' court” or “the court” wherever they occur there shall be inserted the words “or justice, as the case may be,”.
- 43 (1) Section 128 of the 1980 Act (remand in custody or on bail) shall be amended as follows.
- (2) In subsection (1)(b), for the words “inquiring into or” there shall be substituted the words “proceeding with a view to transferring the proceedings against that person for trial or is”.

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- (3) In subsections (1A), (3A), (3C) and (3E), for the words “section 5” there shall be substituted the words “section 4(4)”.
- (4) In subsection (4)—
- (a) for the words from “during an inquiry” to the words “committed by him” there shall be substituted the words “when it is proceeding with a view to transfer for trial”; and
- (b) in paragraph (c)—
- (i) for the word “hearing” there shall be substituted the word “proceedings”; and
- (ii) for the words from “person” to “committed” there shall be substituted the words “proceedings against the person so bailed being transferred”.
- 44 In section 129 of the 1980 Act (further remand), in subsection (4)—
- (a) for the words from “commits” to “bail” there shall be substituted the words “transfers for trial proceedings against a person who has been remanded on bail”; and
- (b) for the words “so committed” there shall be substituted the words “in respect of whom proceedings have been transferred”.
- 45 In section 130 of the 1980 Act (transfer of remand hearings), in subsection (1), for the words “section 5” there shall be substituted the words “section 4(4)”.
- 46 In section 145(1)(f) of the 1980 Act (rules: supplementary provisions), for the word “committed” there shall be substituted the words “in respect of whom proceedings have been transferred”.
- 47 (1) Schedule 3 to the 1980 Act (corporations) shall be amended as follows.
- (2) In paragraph 1(1), for the words “commit a corporation” there shall be substituted the words “, in the case of a corporation, transfer the proceedings”.
- (3) In paragraph 2(a), for the words from “a statement” to “to” there shall be substituted the words “an application to dismiss”.
- (4) In paragraph 6, for the words “inquiry into,” there shall be substituted the words “transfer for trial”.
- 48 In paragraph 5 of Schedule 5 to the 1980 Act (transfer of remand hearings), for the words “sections 5” there shall be substituted the words “sections 4(4)”.

Criminal Attempts Act 1981 (c. 47.)

- 49 In section 2(2)(g) of the Criminal Attempts Act 1981 (application of procedural and other provisions to attempts), the words “or committed for trial” shall be omitted.

Contempt of Court Act 1981 (c. 49.)

- 50 In section 4(3)(b) of the Contempt of Court Act 1981 (contemporary reports of proceedings)—
- (a) for the words “committal proceedings” there shall be substituted the words “an application for dismissal under section 6 of the Magistrates' Courts Act 1980”; and

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- (b) for the words from “subsection (3)” to “1980” there shall be substituted the words “subsection (5) or (7) of section 8A of that Act”.

Supreme Court Act 1981 (c. 54)

- 51 In section 76 of the 1981 Act (alteration of place of Crown Court trial)—
- (a) in subsection (1), for the words from “varying the decision” to the end there shall be substituted the words “substituting some other place for the place specified in a notice relating to the transfer of the proceedings to the Crown Court or by varying a previous decision of the Crown Court”;
- (b) in subsection (3), for the words from the beginning to the words “varying the place of trial;” there shall be substituted the following words—
- “If he is dissatisfied with the place of trial—
- (a) the defendant may apply to the Crown Court for a direction, or further direction, varying the place of trial specified in a notice relating to the transfer of the proceedings to the Crown Court or fixed by the Crown Court, or
- (b) the prosecutor may apply to the Crown Court for a direction, or further direction, varying the place of trial specified in a notice given by the magistrates' court under section 7 of the Magistrates' Courts Act 1980 or fixed by the Crown Court;”;
- (c) after subsection (4) there shall be inserted the following subsection—
- “(5) In this section any reference to a notice relating to the transfer of proceedings to the Crown Court is a reference to the notice given by the magistrates' court under section 7 of the Magistrates' Courts Act 1980 or by the prosecutor under section 4 of the Criminal Justice Act 1987 or section 53 of the Criminal Justice Act 1991.”.
- 52 (1) Section 77 of the 1981 Act (date of Crown Court trial) shall be amended as follows.
- (2) In subsection (1), for the words from “a person’s committal” to “beginning of the trial” there shall be substituted the words “the transfer of proceedings for trial by the Crown Court and the beginning of the trial;”.
- (3) In subsection (2)—
- (a) for the words preceding paragraph (a) there shall be substituted the words “The trial of a person on charges the proceedings on which have been transferred for trial to the Crown Court—”; and
- (b) in paragraph (a), for the words “his consent” there shall be substituted the words “the consent of the person charged”.
- (4) In subsection (3), for the word “committal” there shall be substituted the word “transfer”.
- (5) After subsection (3) there shall be inserted the following subsections—
- “(4) Where a notice of the prosecution case has been given in respect of any proceedings, the Crown Court before which the proceedings are to be tried shall, in exercising any of its powers in relation to the proceedings, have regard to the desirability of avoiding prejudice to the welfare of any witness

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that may be occasioned by unnecessary delay in bringing the proceedings to trial.

(5) In this section references to the transfer of proceedings for trial are references to a transfer by a magistrates' court under section 7 of the Magistrates' Courts Act 1980 or by the prosecutor under section 4 of the Criminal Justice Act 1987 or section 53 of the Criminal Justice Act 1991 and the date of transfer for trial is the date on which the transfer is effected under the said section 7 or, where the transfer is by the prosecutor, the date specified in his notice of transfer.”.

53 In section 80(2) of the 1981 Act (process to compel appearance before Crown Court), for the words from “the person” to “committed” there shall be substituted the words “proceedings against the person charged have not been transferred”.

Criminal Justice Act 1982 (c. 48.)

54 In section 1(2) of the 1982 Act (restrictions on custodial sentences for persons under 21)—

- (a) the words “trial or” shall be omitted; and
- (b) after the word “sentence” there shall be inserted the words “or ordered to be safely kept in custody on the transfer of proceedings against him for trial”.

55 In section 3(2) of the 1982 Act (restriction on imposing custodial sentences on persons under 21 not legally represented)—

- (a) for the words “or trial” there shall be substituted the words “or in respect of whom proceedings have been transferred to the Crown Court for trial”; and
- (b) after the words “committed him” there shall be inserted the words “or transferred proceedings against him”.

Mental Health Act 1983 (c. 20.)

56 (1) Section 52 of the 1983 Act (provisions relating to persons remanded by magistrates' courts) shall be amended as follows.

- (2) In subsection (2), for the words from “accused” to “or” there shall be substituted the words “court, on transferring proceedings against the accused to the Crown Court for trial, orders him to be safely kept in custody, or commits the accused in custody to the Crown Court”.
- (3) In subsection (5), after the words “expired or that” there shall be inserted the words “proceedings against the accused are transferred to the Crown Court for trial or”.
- (4) In subsection (6), after the word “If” there shall be inserted the words “proceedings against the accused are transferred to the Crown Court for trial or”.
- (5) In subsection (7)—
 - (a) for the words from “inquire” to “into” there shall be substituted the words “proceed with a view to transferring for trial proceedings for”; and
 - (b) for the words from “commit” to “1980” there shall be substituted the words “transfer proceedings against him for trial”.

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County Courts Act 1984 (c. 28.)

- 57 In section 57(1) of the 1984 Act (evidence of prisoners), for the words “under committal” there shall be substituted the words “following the transfer of proceedings against him”.

Police and Criminal Evidence Act 1984 (c. 60.)

- 58 In section 62(10)(a) of the Police and Criminal Evidence Act 1984 (power of court to draw inferences from failure of accused to consent to provide intimate sample), for sub-paragraph (i) there shall be substituted the following sub-paragraph—
- “(i) whether to grant an application for dismissal made by that person under section 6 of the Magistrates' Courts Act 1980 (application for dismissal of charge in course of proceedings with a view to transfer for trial); or”.

Prosecution of Offences Act 1985 (c. 23.)

- 59 In section 16 of the 1985 Act (defence costs)—
- (a) in subsection (1), for paragraph (b) there shall be substituted the following paragraph—
- “(b) a magistrates' court determines not to transfer for trial proceedings for an indictable offence;” and
- (b) in subsection (2)(a), for the word “committed” there shall be substituted the words “in respect of which proceedings against him have been transferred”.
- 60 In section 21(6) of the 1985 Act (interpretation, etc.), in paragraph (b), for the words from “the accused” to “but” there shall be substituted the words “proceedings against the accused are transferred to the Crown Court for trial but the accused is”.
- 61 In section 22 of the 1985 Act (time limits for preliminary stages of criminal proceedings), in subsection (11)—
- (a) in the definition of “appropriate court”, in paragraph (a) for the words from “accused” to “or” there shall be substituted the words “proceedings against the accused have been transferred for trial or the accused has been”; and
- (b) in the definition of “custody of the Crown Court”, for paragraph (a) there shall be substituted the following paragraph—
- “(a) section 8(1) of the Magistrates' Court Act 1980 (remand of accused where court is proceeding with a view to transfer for trial); or”.
- 62 In section 23 of the 1985 Act (discontinuance of proceedings in magistrates' courts), in subsection (2)(b)(i), for the words “accused has been committed” there shall be substituted the words “proceedings against the accused have been transferred”.

Agricultural Holdings Act 1986 (c. 5.)

- 63 In paragraph 12(1) of Schedule 11 to the 1986 Act (procedure on arbitrations under the Act), for the words “under committal” there shall be substituted the words “following the transfer of proceedings against him”.

Criminal Justice Act 1987 (c. 38.)

- 64 (1) The 1987 Act shall be amended as follows.

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- (2) In section 4(1) (notices of transfer in serious fraud cases)—
- (a) in paragraph (b)(i), for the words from “person” to “trial” there shall be substituted the words “proceedings against the person charged to be transferred for trial”; and
 - (b) in paragraph (c), for the words from the beginning to “justices” there shall be substituted the words “not later than the time at which the authority would be required to serve a notice of the prosecution case under section 5 of the Magistrates' Courts Act 1980,”.
- (3) In section 5 (procedure for notices of transfer)—
- (a) in subsection (9)(a), for the words “a statement of the evidence” there shall be substituted the words “copies of the documents containing the evidence (including oral evidence)”; and
 - (b) after subsection (9) there shall be inserted the following subsection—
 - “(9A) Regulations under subsection (9)(a) above may provide that there shall be no requirement for copies of any documents referred to in the documents sent with the notice of transfer as having already been supplied to accompany the copy of the notice of the transfer.”.
- (4) In section 6(5) (applications for dismissal), for the words from “a refusal” to the end there shall be substituted the words “the dismissal of a charge or charges against an accused under section 6 of the Magistrates' Courts Act 1980.”.

Criminal Justice Act 1988 (c. 33.)

- 65 In section 40 of the Criminal Justice Act 1988 (power to include counts for certain summary offences in indictment), in subsection (1), for the words from “an examination” to the end, there shall be substituted the words “the documents sent with the copy of a notice of the prosecution case to the Crown Court”.
- 66 (1) Section 41 of the Criminal Justice Act 1988 shall be amended as follows.
- (2) In subsection (1)—
- (a) for the words preceding paragraph (a) there shall be substituted the words “Where a magistrates' court transfers to the Crown Court for trial proceedings against a person for an offence triable either way or a number of such offences, it may also transfer to the Crown Court for trial proceedings against a person for any summary offence with which he is charged and which—”; and
 - (b) for the words from “appears” to “case” there shall be substituted the words “was sent to the person charged with the notice of the transfer of the proceedings”.
- (3) In subsection (2)—
- (a) for the words from “commits” to “indictment” there shall be substituted the words “transfers to the Crown Court for trial proceedings against a person”; and
 - (b) for the words “who is committed” there shall be substituted the words “in respect of whom proceedings are transferred”.
- (4) In subsection (4), for the words “committal of” there shall be substituted the words “transfer for trial of proceedings against”.

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Legal Aid Act 1988 (c. 34.)

- 67 In section 20 of the 1988 Act (authorities competent to grant criminal legal aid), in subsection (4), after paragraph (a) there shall be inserted the following paragraph—
“(aa) which proceeds with a view to transferring proceedings to the Crown Court for trial.”
- 68 In section 21 of the 1988 Act (availability of criminal legal aid)—
(a) in subsection (3)(a), for the words from “a person” to “his” there shall be substituted the words “proceedings against a person who is charged with murder are transferred to the Crown Court for trial, for that person's”; and
(b) in subsection (4), for the word “commits” there shall be substituted the words “transfers the proceedings against”.
- 69 (1) Schedule 3 to the 1988 Act (enforcement of contribution orders) shall be amended as follows.
(2) In paragraph 1(b)—
(a) for the words from “who” to “by a magistrates' court)” there shall be substituted the words “against whom proceedings were transferred for trial or who was committed for sentence”; and
(b) for the words “committed him” there shall be substituted the words “transferred the proceedings against him or committed him for sentence”.
(3) In paragraph 9(b), for sub-subparagraph (i) there shall be substituted the following sub-subparagraph—
“(i) in the proceedings against the legally assisted person being transferred to the Crown Court for trial or in the legally assisted person being committed to the Crown Court for sentence, or”.
(4) In paragraph 10(2)(b), for sub-subparagraph (i) there shall be substituted the following sub-subparagraph—
“(i) in the proceedings against the legally assisted person being transferred to the Crown Court for trial or in the legally assisted person being committed to the Crown Court for sentence, or”.

Coroners Act 1988 (c. 13.)

- 70 In section 16 of the Coroners Act 1988 (adjournment of inquest)—
(a) in subsection (1)(b), for the words “examining justices” there shall be substituted the words “a magistrates' court which is to proceed with a view to transferring proceedings against that person for trial,”; and
(b) in subsection (8)—
(i) for the words “examining justices” there shall be substituted the words “a magistrates' court considering an application for dismissal under section 6 of the Magistrates' Courts Act 1980”; and
(ii) for the words from “person” to “committed” there shall be substituted the words “proceedings against the person charged are transferred”.
- 71 In section 17 of the Coroners Act 1988 (supplementary provisions applying on adjournment of inquest)—

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- (a) in subsection (2)—
 - (i) after the word “Where” there shall be inserted the words “proceedings against”; and
 - (ii) for the words “is committed” there shall be substituted the words “are transferred”; and
- (b) in subsection (3)(b), for the words “that person is committed” there shall be substituted the words “proceedings against that person are transferred”.

War Crimes Act 1991 (c. 13.)

72 In the War Crimes Act 1991—

- (a) in section 1(4) (introducing the Schedule providing a procedure for use instead of committal proceedings for certain war crimes), the words “England, Wales or” shall be omitted; and
- (b) Part I of the Schedule (procedure for use in England and Wales instead of committal proceedings) shall be omitted.

Criminal Justice Act 1991 (c. 53.)

73 (1) The 1991 Act shall be amended as follows.

- (2) In section 53 (notices of transfer in certain cases involving children)—
 - (a) in subsection (1)(a), for the words from “person” to “trial” there shall be substituted the words “proceedings against the person charged to be transferred for trial”; and
 - (b) in subsection (2), for the words from “before” to the end, there shall be substituted the words “not later than the time at which the Director would be required to serve a notice of the prosecution case under section 5 of the Magistrates' Courts Act 1980,”.
- (3) In paragraph 4 of Schedule 6 (procedure for notices of transfer)—
 - (a) in sub-paragraph (1)(a) for the words “a statement of the evidence” there shall be substituted the words “copies of the documents containing the evidence (including oral evidence)”;
 - (b) after sub-paragraph (1) there shall be inserted the following sub-paragraph—
 - “(1A) Regulations under sub-paragraph (1)(a) above may provide that there shall be no requirement for copies of any documents referred to in the documents sent with the notice of transfer as having already been supplied to accompany the copy of the notice of transfer.”.
- (4) In paragraph 5 of Schedule 6 (applications for dismissal), in sub-paragraph (7), for the words from “a refusal” to the end there shall be substituted the words “the dismissal of a charge or charges against an accused under section 6 of the Magistrates' Courts Act 1980.”.
- (5) In paragraph 6 of Schedule 6 (reporting restrictions), in sub-paragraph (8), for the words “sub-paragraphs (5) and (6)” there shall be substituted the words “sub-paragraphs (5) and (7)”.

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Sexual Offences (Amendment) Act 1992 (c. 34.)

74 In section 6(3)(c) of the 1992 Act, for the words “commits him” there shall be substituted the words “transfers proceedings against him”.