
STATUTORY INSTRUMENTS

1982 No. 1109 (L. 22)**SUPREME COURT OF ENGLAND AND WALES****The Crown Court Rules 1982**

<i>Made</i>	- - - -	27th July 1982
<i>Laid before Parliament</i>		16th August 1982
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We, the Crown Court Rule Committee, in exercise of the powers conferred upon us by section 9(3) of the Juries Act 1974(a), sections 5(1) and 8(4) of the Bail Act 1976(b) and sections 52, 73(2), 74(2), (3) and (7), 77, 81(2), 84(1) and (2), 86 and 87(5) of the Supreme Court Act 1981(c), hereby make the following Rules:—

PART I

INTRODUCTION

Citation, commencement, revocations and transitionals

1.—(1) These Rules may be cited as the Crown Court Rules 1982 and shall come into operation on 1st October 1982.

(2) Subject to paragraph (3), the instruments specified in Schedule 1 are hereby revoked.

(3) The transitional provisions in Schedule 2 shall have effect.

(a) 1974 c.23.

(b) 1976 c.63.

(c) 1981 c.54.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires, any reference to a judge is a reference to a judge of the High Court or a Circuit judge or a Recorder; “justice” means a justice of the peace; and “Taxing Master” means a Master of the Supreme Court (Taxing Office).

(2) In these Rules any reference to a Rule or Schedule shall be construed as a reference to a Rule contained in these Rules or, as the case may be, to a Schedule thereto; and any reference in a Rule to a paragraph shall be construed as a reference to a paragraph of that Rule.

PART II

JUSTICES AS JUDGES OF CROWN COURT

Number and qualification of justices

3.—(1) Subject to the provisions of Rule 4 and to any directions under section 74(4) of the Supreme Court Act 1981, on any proceedings to which a subsequent paragraph of this Rule applies, the number of justices sitting to hear the proceedings and the qualification of those justices shall be as specified in that paragraph.

(2) On the hearing of an appeal against a decision of licensing justices under the Licensing Act 1964(a), the Crown Court shall consist of a judge sitting with four justices, each of whom is a member of a licensing committee appointed under Schedule 1 to that Act and two (but not more than two) of whom are justices for the petty sessions area in which the premises to which the appeal relates are situated.

(3) On the hearing of an appeal against a decision of any authority under the Betting, Gaming and Lotteries Act 1963(b) or the Gaming Act 1968(c), the Crown Court shall consist of a judge sitting with four justices, two (but not more than two) of whom are justices for the petty sessions area in which the premises to which the appeal relates are situated.

(4) On the hearing of an appeal from a juvenile court or of proceedings on committal by a juvenile court to the Crown Court under section 37 of the Magistrates’ Courts Act 1980(d) or section 67 of the Mental Health Act 1959(e), the Crown Court shall consist of a judge sitting with two justices each of whom is a member of a juvenile court panel and who are chosen so that the Court shall include a man and a woman.

(5) On the hearing of an appeal from a magistrates’ court under section 8 of the Affiliation Proceedings Act 1957(f), the Crown Court shall consist of a judge sitting with two justices each of whom is a member of a domestic court panel and who are chosen so that the Court shall include a man and a woman.

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- (a) 1964 c.26.
 - (b) 1963 c.2.
 - (c) 1968 c.65.
 - (d) 1980 c.43.
 - (e) 1959 c.72.
 - (f) 1957 c.55.

Dispensations for special circumstances

4.—(1) The Crown Court may enter on any appeal or any proceedings on committal to the Court for sentence notwithstanding that the Court is not constituted as required by section 74(1) of the Supreme Court Act 1981 or Rule 3 if it appears to the judge that the Court could not be so constituted without unreasonable delay and the Court includes—

- (a) in a case to which paragraph (2) of that Rule applies, at least two justices each of whom is a member of a committee specified in that paragraph, provided that the Court includes a justice for the petty sessions area so specified and a justice for some other area;
- (b) in a case to which paragraph (3) of that Rule applies, at least two justices including a justice for the petty sessions area so specified and a justice for some other area;
- (c) in a case to which paragraph (4) of that Rule applies, one justice who is a member of a juvenile court panel;
- (d) in a case to which paragraph (5) of that Rule applies, one justice who is a member of a domestic court panel;
- (e) in any other case, one justice:

Provided that the judge may sit without one or both of the justices required by sub-paragraphs (a) and (b) above if the parties appearing at the hearing of the appeal agree.

(2) Without prejudice to paragraph (1), immediately after the conclusion of a person's trial on indictment for an offence or the determination of a person's appeal to the Crown Court in respect of his conviction by a magistrates' court for an offence, the Crown Court may enter on proceedings on his committal to the Crown Court for sentence in respect of any other offence notwithstanding that the Crown Court is not constituted as required by section 74(1) of the Supreme Court Act 1981 or paragraph (1)(e).

(3) The Crown Court may at any stage continue with any proceedings with a Court from which any one or more of the justices initially comprising the Court has withdrawn, or is absent for any reason.

Disqualifications

5. A justice of the peace shall not sit in the Crown Court on the hearing of an appeal in a matter on which he adjudicated or of proceedings on committal of a person to the Court for sentence under section 37 or 38 of the Magistrates' Courts Act 1980 by a court of which he was a member.

PART III

APPEALS TO THE CROWN COURT

Application of Part III

6.—(1) Subject to the following provisions of this Rule, this Part of these Rules shall apply to every appeal which by or under any enactment lies to the Crown Court from any court, tribunal or person.

(2) Without prejudice to Rule 7(5), this Part of these Rules shall have effect subject to the provisions of the enactments specified in Part I of Schedule 3 (being enactments which make special procedural provisions in respect of certain appeals), and those enactments shall have effect subject to the amendments set out in Part II of that Schedule (being amendments reproducing amendments made by Rule 6(2) of, and Part II of Schedule 1 to, the Crown Court Rules 1971(a)).

Notice of appeal

7.—(1) An appeal shall be commenced by the appellant's giving notice of appeal in accordance with the following provisions of this Rule.

(2) The notice required by the preceding paragraph shall be in writing and shall be given—

- (a) in a case where the appeal is against a decision of a magistrates' court, to the clerk of the magistrates' court;
- (b) in the case of an appeal under section 81B of the Licensing Act 1964(b) against a decision of licensing justices, to the clerk to the justices;
- (c) in any other case, to the appropriate officer of the Crown Court; and
- (d) in any case, to any other party to the appeal.

(3) Notice of appeal shall be given not later than 21 days after the day on which the decision appealed against is given and, for this purpose, where the court has adjourned the trial of an information after conviction, that day shall be the day on which the court sentences or otherwise deals with the offender:

Provided that, where a court exercises its power to defer sentence under section 1(1) of the Powers of Criminal Courts Act 1973(c), that day shall, for the purposes of an appeal against conviction, be the day on which the court exercises that power.

(4) A notice of appeal shall state—

- (a) in the case of an appeal arising out of a conviction by a magistrates' court, whether the appeal is against conviction or sentence or both; and
- (b) in the case of an appeal under an enactment listed in Part III of Schedule 3, the grounds of appeal.

(5) The time for giving notice of appeal (whether prescribed under paragraph (3), or under an enactment listed in Part I of Schedule 3) may be extended, either before or after it expires, by the Crown Court, on an application made in accordance with paragraph (6).

(6) An application for an extension of time shall be made in writing, specifying the grounds of the application and sent to the appropriate officer of the Crown Court.

(a) S.I. 1971/1292.

(b) Section 81B was inserted into the Licensing Act 1964 by section 3 of the Licensing (Amendment) Act 1980 (c.40).

(c) 1973 c.62.

(7) Where the Crown Court extends the time for giving notice of appeal, the appropriate officer of the Crown Court shall give notice of the extension to—

- (a) the appellant;
- (b) in the case of an appeal from a decision of a magistrates' court, to the clerk of that court;
- (c) in the case of an appeal under section 81B of the Licensing Act 1964 from a decision of licensing justices, to the clerk to the justices,

and the appellant shall give notice of the extension to any other party to the appeal.

Entry of appeal and notice of hearing

8. On receiving notice of appeal, the appropriate officer of the Crown Court shall enter the appeal and give notice of the time and place of the hearing to—

- (a) the appellant;
- (b) any other party to the appeal;
- (c) in the case of an appeal from a decision of a magistrates' court, to the clerk of that court;
- (d) in the case of an appeal under section 81B of the Licensing Act 1964 from a decision of licensing justices, to the clerk to the justices.

Appointment of guardian ad litem

9.—(1) Where the Crown Court has made an order under section 32A(1) of the Children and Young Persons Act 1969^(a) on an appeal under section 2(12), 16(8) or 21(4) of that Act, the Court shall appoint a guardian *ad litem* of the relevant child or young person for the purposes of the appeal if it appears to the Court that it is in his interests to do so.

(2) Where a juvenile court has made an order under section 32A(1) or (2) of the said Act of 1969 and, by virtue of section 32A(3) of that Act, that order has effect for the purposes of an appeal to the Crown Court, the Crown Court shall appoint a guardian *ad litem* of the relevant child or young person for the purposes of the appeal if it appears to the Court that it is in his interests to do so.

(3) A guardian *ad litem* shall be selected from the panel established by regulations under section 103 of the Children Act 1975^(b) or, if this is not practicable, shall be some other suitable person and, in either case, the person selected shall not be a member, officer or servant of a local authority or authorised person (within the meaning of section 1 of the Act of 1969) which is a party to the proceedings; and where the appeal arises out of proceedings in which a juvenile court has appointed a person to act as guardian *ad litem*, that person shall be appointed for the purposes of the appeal unless the Crown Court is satisfied that in all the circumstances it would be inappropriate to appoint him.

^(a) 1969 c.54.

^(b) 1975 c.72 (no regulations under section 103 had been made by the date of these Rules).

(4) Where it appears to the Court desirable that some other person should act as guardian *ad litem* in substitution for the person appointed earlier, the Court shall revoke the earlier appointment and make a new appointment.

(5) The duties of a guardian *ad litem* appointed under this Rule are to safeguard the interests of the child or young person before the Crown Court and to give the Court such assistance as it may require.

(6) In this and the following Rule “child” means a person under the age of 14 and “young person” means a person who has attained that age and is under the age of 17.

Provisions supplementary to Rule 9

10.—(1) Where an order under section 32A of the Children and Young Persons Act 1969 has effect for the purposes of an appeal to the Crown Court under section 2(12), 16(8) or 21(4) of that Act, the parent or guardian of the relevant child or young person shall be entitled—

- (a) to meet any allegations made against him in the course of the proceedings on the appeal by—
 - (i) cross-examining any witness for the appellant or respondent, and
 - (ii) giving or calling evidence; and
- (b) to make representations to the court.

(2) Any evidence or representations given or made under this Rule shall be given or made at the conclusion of the evidence for the appellant and the respondent.

Abandonment of appeal

11.—(1) Without prejudice to the power of the Crown Court to give leave for an appeal to be abandoned, an appellant may abandon an appeal by giving notice in writing, in accordance with the following provisions of this Rule, not later than the third day before the day fixed for hearing the appeal.

- (2) The notice required by the preceding paragraph shall be given—
 - (a) in a case where the appeal is against a decision of a magistrates’ court, to the clerk of the magistrates’ court;
 - (b) in the case of an appeal under section 21 of the Licensing Act 1964, or in the case of an appeal under section 81B of that Act against a decision of licensing justices, to the clerk to the licensing justices;
 - (c) in any other case, to the appropriate officer of the Crown Court; and
 - (d) in any case, to any other party to the appeal;

and, in the case of an appeal mentioned in sub-paragraph (a) or (b), the appellant shall send a copy of the notice to the appropriate officer of the Crown Court.

(3) For the purposes of determining whether notice of abandonment was given in time there shall be disregarded any Saturday, Sunday and any day

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

PART IV

COSTS BETWEEN PARTIES IN CROWN COURT

Jurisdiction to award costs

12.—(1) Subject to the provisions of section 109(1) of the Magistrates' Courts Act 1980 (power of magistrates' courts to award costs on abandonment of appeals from magistrates' courts) and sections 22(4) and 81B(4) of the Licensing Act 1964 (application of section 109(1) of the Act of 1980 to appeals under sections 21 and 81B of the Act of 1964), no party shall be entitled to recover any costs of any proceedings in the Crown Court from any other party to the proceedings except under an order of the Court.

(2) Subject to section 4 of the Costs in Criminal Cases Act 1973(b) and to the following provisions of this Rule, the Crown Court may make such order for costs as it thinks just.

- (3) In the case of an appeal under section 21 of the Licensing Act 1964—
- (a) no order for costs shall be made on the abandonment of an appeal by giving notice under Rule 11;
 - (b) no order for costs shall be made against a person who appeared before the licensing justices and opposed the grant of the justices' licence unless he appeared at the hearing of the appeal and opposed the appeal;
 - (c) if the appeal, not being an appeal against the grant of a justices' licence, is dismissed, the Court shall order the appellant to pay to the justices against whose decision he has appealed, or such person as those justices may appoint, such sum by way of costs as is, in the opinion of the Court, sufficient to indemnify the justices from all costs and charges to which they have been put in consequence of his having given notice of appeal.

(4) In the case of an appeal under section 81B of the Licensing Act 1964 against a decision of licensing justices, no order for costs shall be made on the abandonment of an appeal by giving notice under Rule 11.

(5) No order for costs shall be made on the abandonment of an appeal from a magistrates' court by giving notice under Rule 11.

(6) Without prejudice to the generality of paragraph (2), the Crown Court may make an order for costs on dismissing an appeal where the appellant has failed to proceed with the appeal or on the abandonment of an appeal not being an appeal to which paragraph (3), (4) or (5) applies.

Costs in proceedings from which appeal is brought

13. Where an appeal is brought to the Crown Court from the decision of a magistrates' court or a tribunal and the appeal is successful, the Crown Court may make any order as to the costs of the proceedings in the magistrates' court or tribunal which that court or tribunal had power to make.

(a) 1971 c.80.
(b) 1973 c.14.

Taxation

14.—(1) Where under these Rules the Crown Court has made an order for the costs of any proceedings to be paid by a party and the Court has not fixed a sum, the amount of the costs to be paid shall be ascertained as soon as practicable by the appropriate officer of the Crown Court (hereinafter referred to as the taxing authority).

(2) On a taxation under the preceding paragraph or under section 4(2) of the Costs in Criminal Cases Act 1973, there shall be allowed the costs reasonably incurred in or about the prosecution and conviction or the defence, as the case may be.

Review by taxing authority

15.—(1) Any party dissatisfied with the taxation of any costs by the taxing authority under section 4(2) of the Costs in Criminal Cases Act 1973 or Rule 14 may apply to the taxing authority to review his decision.

(2) The application shall be made by giving notice to the taxing authority and to any other party to the taxation within 14 days of the taxation, specifying the items in respect of which the application is made and the grounds of objection.

(3) Any party to whom notice is given under the preceding paragraph may within 14 days of the service of the notice deliver to the taxing authority answers in writing to the objections specified in that notice to the taxing authority and, if he does, shall send copies to the applicant for the review and to any other party to the taxation.

(4) The taxing authority shall reconsider his taxation in the light of the objections and answers, if any, of the parties and any oral representations made by or on their behalf and shall notify them of the result of his review.

Further review by Taxing Master

16.—(1) Any party dissatisfied with the result of a review of taxation under Rule 15 may, within 14 days of receiving notification thereof, request the taxing authority to supply him with reasons in writing for his decision and may within 14 days of the receipt of such reasons apply to the Chief Taxing Master for a further review and shall, in that case, give notice of the application to the taxing authority and to any other party to the taxation, to whom he shall also give a copy of the reasons given by the taxing authority.

(2) Such application shall state whether the applicant wishes to appear or be represented, or whether he will accept a decision given in his absence and shall be accompanied by a copy of the notice given under Rule 15, of any answer which may have been given under paragraph (3) thereof and of the reasons given by the taxing authority for his decision, together with the bill of costs and full supporting documents.

(3) A party to the taxation who receives notice of an application under this Rule shall inform the Chief Taxing Master whether he wishes to appear or be represented at a further review, or whether he will accept a decision given in his absence.

(4) The further review shall be conducted by a Taxing Master and if the applicant or any other party to the taxation has given notice of his intention to appear or be represented, the Taxing Master shall inform the parties (or their agents) of the date on which the further review will take place.

(5) Before reaching his decision the Taxing Master may consult the judge who made the order for costs and the taxing authority and, unless the Taxing Master otherwise directs, no further evidence shall be received on the hearing of the further review; and no ground of objection shall be valid which was not raised on the review under Rule 15.

(6) In making his review, the Taxing Master may alter the assessment of the taxing authority in respect of any sum allowed, whether by increase or decrease.

(7) The Taxing Master shall communicate the result of the further review to the parties and to the taxing authority.

Appeal to High Court judge

17.—(1) Any party dissatisfied with the result of a further review under Rule 16 may, within 14 days of receiving notification thereof, appeal by originating summons to a judge of the Queen's Bench Division of the High Court if, and only if, the Taxing Master certifies that the question to be decided involves a point of principle of general importance.

(2) On the hearing of the appeal the judge may reverse, affirm or amend the decision appealed against or make such other order as he thinks appropriate.

Supplementary provisions

18.—(1) On a further review or an appeal to a judge of the High Court the Taxing Master or judge may make such order as he thinks just in respect of the costs of the hearing of the further review or the appeal, as the case may be.

(2) The time prescribed by Rule 15, 16 or 17 may be extended by the taxing authority, Taxing Master or judge of the High Court on such terms as he thinks just.

PART V

MISCELLANEOUS

Applications to Crown Court relating to bail

19.—(1) This Rule applies where an application to the Crown Court relating to bail is made otherwise than during the hearing of proceedings in the Crown Court.

(2) Subject to paragraph (7), notice in writing of intention to make such an application to the Crown Court shall, at least 24 hours before it is made, be given to the prosecutor and to the Director of Public Prosecutions, if the prosecution is being carried on by him or, if the application is to be made by the

prosecutor or a constable under section 3(8) of the Bail Act 1976(a), to the person to whom bail was granted.

(3) On receiving notice under paragraph (2), the prosecutor or Director of Public Prosecutions or, as the case may be, the person to whom bail was granted shall—

- (a) notify the appropriate officer of the Crown Court and the applicant that he wishes to be represented at the hearing of the application; or
- (b) notify the appropriate officer and the applicant that he does not oppose the application; or
- (c) give to the appropriate officer, for the consideration of the Crown Court, a written statement of his reasons for opposing the application, at the same time sending a copy of the statement to the applicant.

(4) A notice under paragraph (2) shall be in the form prescribed in Schedule 4 or a form to the like effect, and the applicant shall give a copy of the notice to the appropriate officer of the Crown Court.

(5) Except in the case of an application made by the prosecutor or a constable under section 3(8) of the Bail Act 1976, the applicant shall not be entitled to be present on the hearing of his application unless the Crown Court gives him leave to be present.

(6) Where a person who is in custody or has been released on bail desires to make an application relating to bail and has not been able to instruct a solicitor to apply on his behalf under the preceding paragraphs of this Rule, he may give notice in writing to the Crown Court of his desire to make an application relating to bail, requesting that the Official Solicitor shall act for him in the application, and the Court may, if it thinks fit, assign the Official Solicitor to act for the applicant accordingly.

(7) Where the Official Solicitor has been so assigned the Crown Court may, if it thinks fit, dispense with the requirements of paragraph (2) and deal with the application in a summary manner.

(8) Any record required by section 5 of the Bail Act 1976 (together with any note of reasons required by subsection (4) of that section to be included) shall be made by way of an entry in the file relating to the case in question and the record shall include the following particulars, namely—

- (a) the effect of the decision;
- (b) a statement of any condition imposed in respect of bail, indicating whether it is to be complied with before or after release on bail;
- (c) where conditions of bail are varied, a statement of the conditions as varied;
- (d) where bail is withheld, a statement of the relevant exception to the right to bail (as provided in Schedule 1 to the said Act of 1976) on which the decision is based.

(a) 1976 c.63; section 3(8) was amended by the Criminal Law Act 1977 (c.45), section 65(4) and Schedule 12.

Supplementary provisions about bail

20.—(1) Every person who makes an application to the Crown Court relating to bail shall inform the Court of any earlier application to the High Court or the Crown Court relating to bail in the course of the same proceedings.

(2) Where the Crown Court grants bail in criminal proceedings, the recognizance of any surety required as a condition of bail may be entered into before an officer of the Crown Court or, where the person who has been granted bail is in a prison or other place of detention, before the governor or keeper of the prison or place as well as before the persons specified in section 8(4) of the Bail Act 1976.

(3) Where the Crown Court under section 3(5) or (6) of the Bail Act 1976 imposes a requirement to be complied with before a person's release on bail, the Court may give directions as to the manner in which and the person or persons before whom the requirement may be complied with.

(4) On hearing an application for bail (other than bail in criminal proceedings) the Crown Court may order that the applicant shall be released from custody on entering into a recognizance, with or without sureties, or giving other security before—

- (a) an officer of the Crown Court; or
- (b) any other person authorised by virtue of section 119(1) of the Magistrates' Courts Act 1980 to take a recognizance where a magistrates' court having power to take the recognizance has, instead of taking it, fixed the amount in which the principal and his sureties, if any, are to be bound.

(5) A person who, in pursuance of an order made by the Crown Court for the grant of bail in criminal proceedings, proposes to enter into a recognizance or give security must, unless the Crown Court otherwise directs, give notice to the prosecutor at least 24 hours before he enters into the recognizance or gives security as aforesaid.

(6) Where, in pursuance of an order of the Crown Court, a recognizance is entered into or any requirement imposed under section 3(5) or (6) is complied with (being a requirement to be complied with before a person's release on bail) before any person, it shall be his duty to cause the recognizance or, as the case may be, a statement of the requirement to be transmitted forthwith to the appropriate officer of the Crown Court; and a copy of the recognizance or statement shall at the same time be sent to the governor or keeper of the prison or other place of detention in which the person named in the order is detained, unless the recognizance was entered into or the requirement was complied with before such governor or keeper.

(7) Where, in pursuance of section 3(5) of the Bail Act 1976, security has been given in respect of a person granted bail with a duty to surrender to the custody of the Crown Court and either—

- (a) that person surrenders to the custody of the Court; or
- (b) that person having failed to surrender to the custody of the Court, the Court decides not to order the forfeiture of the security,

the appropriate officer of the Court shall as soon as practicable give notice of

the surrender to custody or, as the case may be, of the decision not to forfeit the security to the person before whom the security was given.

(8) In this Rule “bail in criminal proceedings” has the same meaning as in the Bail Act 1976.

Estreat of recognizances

21.—(1) Where a recognizance has been entered into in respect of a person granted bail to appear before the Crown Court and it appears to the Court that a default has been made in performing the conditions of the recognizance, the Court may order the recognizance to be estreated.

(2) Where the Crown Court is to consider making an order under paragraph (1) for a recognizance to be estreated, the appropriate officer of the Court shall give notice to that effect to the person by whom the recognizance was entered into indicating the time and place at which the matter will be considered; and no such order shall be made before the expiry of 7 days after the notice required by this paragraph has been given.

Conditional witness order

22.—(1) Where in pursuance of section 1(2) of the Criminal Procedure (Attendance of Witnesses) Act 1965(a), a conditional witness order has been made or a direction has been given that a witness order be treated as a conditional order, then if the prosecutor or the person committed for trial gives notice to the appropriate officer of the Crown Court that he wishes the witness to attend at the trial, that officer shall, subject to paragraph (3), forthwith give notice in writing to the witness that he is required to attend in pursuance of the witness order.

(2) Subject to paragraph (3), where notice is given to a witness under paragraph (1) at the instance of the prosecutor, the appropriate officer of the Crown Court shall inform the person committed for trial thereof and where that officer gives any such notice at the instance of the person committed for trial, the officer shall inform the prosecutor thereof.

(3) If, after the commencement of the trial, the prosecutor or the person committed for trial gives notice to the appropriate officer of the Crown Court that he wishes the witness to attend the trial—

- (a) that officer shall not give notice in writing to the witness that he is required to attend except with the leave of the trial judge; and
- (b) the provisions of paragraph (2) shall not apply.

Setting aside witness summons

23.—(1) An application under section 2(2) of the Criminal Procedure (Attendance of Witnesses) Act 1965 for a direction that a witness summons shall be of no effect shall be made in writing to the appropriate officer of the Crown Court and shall set out the reasons why the applicant considers that he cannot give any material evidence or, as the case may be, produce any document or thing likely to be material evidence.

(a) 1965 c.69.

(2) On receiving any application referred to in paragraph (1), the appropriate officer of the Crown Court shall serve notice of the application on the person at whose instance the witness summons was issued.

(3) The court shall not grant or, as the case may be, refuse an application under the said section 2(2) unless the applicant and the person at whose instance the witness summons was issued have been given an opportunity of making representations.

(4) The appropriate officer of the Crown Court shall notify the applicant and the person at whose instance the witness summons was issued of the decision of the Crown Court in relation to the application.

Time limits for beginning of trials

24. The periods prescribed for the purposes of paragraphs (a) and (b) of section 77(2) of the Supreme Court Act 1981 shall be 14 days and 8 weeks respectively and accordingly the trial of a person committed by a magistrates' court—

- (a) shall not begin until the expiration of 14 days beginning with the date of his committal, except with his consent and the consent of the prosecution, and
- (b) shall, unless the Crown Court has otherwise ordered, begin not later than the expiration of 8 weeks beginning with the date of his committal.

Appeal against refusal to excuse from jury service

25.—(1) A person summoned under the Juries Act 1974(a) for jury service may appeal in accordance with the provisions of this Rule against any refusal of the appropriate officer to excuse him under section 9(2) of that Act.

(2) Subject to paragraph (3), an appeal under this Rule shall be heard by the Crown Court.

(3) Where the appellant is summoned under the Juries Act 1974 to attend before the High Court in Greater London the appeal shall be heard by a judge of the High Court and where the appellant is summoned under that Act to attend before the High Court outside Greater London or before a county court and the appeal has not been decided by the Crown Court before the day on which the appellant is required by the summons to attend, the appeal shall be heard by the court before which he is summoned to attend.

(4) An appeal under this Rule shall be commenced by the appellant's giving notice of appeal to the appropriate officer of the Crown Court or the High Court in Greater London, as the case may be, and such notice shall be in writing and shall specify the matters upon which the appellant relies as providing good reason why he should be excused from attending in pursuance of the summons.

(5) The Court shall not dismiss an appeal under this Rule unless the appellant has been given an opportunity of making representations.

(a) 1974 c.23.

(6) Where an appeal under this Rule is decided in the absence of the appellant, the appropriate officer of the Crown Court or the High Court in Greater London, as the case may be, shall notify him of the decision without delay.

Application to Crown Court to state case

26.—(1) An application under section 28 of the Supreme Court Act 1981 to the Crown Court to state a case for the opinion of the High Court shall be made in writing to the appropriate officer of the Crown Court within 21 days after the date of the decision in respect of which the application is made.

(2) The application shall state the ground on which the decision of the Crown Court is questioned.

(3) After making the application, the applicant shall forthwith send a copy of it to the parties to the proceedings in the Crown Court.

(4) On receipt of the application, the appropriate officer of the Crown Court shall forthwith send it to the judge who presided at the proceedings in which the decision was made.

(5) On receipt of the application, the judge shall inform the appropriate officer of the Crown Court as to whether or not he has decided to state a case and that officer shall give notice in writing to the applicant of the judge's decision.

(6) If the judge considers that the application is frivolous, he may refuse to state a case and shall in that case, if the applicant so requires, cause a certificate stating the reasons for the refusal to be given to him.

(7) If the judge decides to state a case, the procedure to be followed shall, unless the judge in a particular case otherwise directs, be the procedure set out in paragraphs (8) to (12).

(8) The applicant shall, within 21 days of receiving the notice referred to in paragraph (5), draft a case and send a copy of it to the appropriate officer of the Crown Court and to the parties to the proceedings in the Crown Court.

(9) Each party to the proceedings in the Crown Court shall, within 21 days of receiving a copy of the draft case under paragraph (8), either—

- (a) give notice in writing to the applicant and the appropriate officer of the Crown Court that he does not intend to take part in the proceedings before the High Court; or
- (b) indicate in writing on the copy of the draft case that he agrees with it and send the copy to the appropriate officer of the Crown Court; or
- (c) draft an alternative case and send it, together with the copy of the applicant's case, to the appropriate officer of the Crown Court.

(10) The judge shall consider the applicant's draft case and any alternative draft case sent to the appropriate officer of the Crown Court under paragraph (9)(c).

(11) If the Crown Court so orders, the applicant shall, before the case is stated and delivered to him, enter before an officer of the Crown Court into a recognizance, with or without sureties and in such sum as the Crown Court considers proper, having regard to the means of the applicant, conditioned to prosecute the appeal without delay.

(12) The judge shall state and sign a case within 14 days after either—

- (a) the receipt of all the documents required to be sent to the appropriate officer of the Crown Court under paragraph (9); or
- (b) the expiration of the period of 21 days referred to in that paragraph,

whichever is the sooner.

(13) A case stated by the Crown Court shall state the facts found by the Crown Court, the submissions of the parties (including any authorities relied on by the parties during the course of those submissions), the decision of the Crown Court in respect of which the application is made and the question on which the opinion of the High Court is sought.

(14) Any time limit referred to in this Rule may be extended either before or after it expires by the Crown Court.

(15) If the judge decides not to state a case but the stating of a case is subsequently required by the High Court by order of *mandamus*, paragraphs (7) to (14) shall apply to the stating of the case save that—

- (a) in paragraph (7) the words “If the judge decides to state a case” shall be omitted; and
- (b) in paragraph (8) for the words “receiving the notice referred to in paragraph (5)” there shall be substituted the words “the day on which the order of *mandamus* was made”.

Business in chambers

27.—(1) The jurisdiction of the Crown Court specified in the following paragraph may be exercised by a judge of the Crown Court sitting in chambers.

(2) The said jurisdiction is—

- (a) hearing applications for bail;
- (b) issuing a summons or warrant;
- (c) hearing any application relating to procedural matters preliminary or incidental to proceedings in the Crown Court, including applications relating to legal aid but not including an application under section 76(3) of the Supreme Court Act 1981 (application for direction varying the place of trial on indictment);
- (d) jurisdiction under Rule 7(7), 9, 23, 25 or 26.

Service of documents

28. Any notice or other document which is required by these Rules to be given to any person may be served personally on that person or sent to him by post at his usual or last known residence or place of business in England or Wales or, in the case of a company, at the company’s registered office in England or Wales.

References to the European Court

29.—(1) In this Rule “order” means an order referring a question to the European Court for a preliminary ruling under Article 177 of the Treaty establishing the Economic Community, Article 150 of the Treaty establishing Euratom or Article 41 of the Treaty establishing the Coal and Steel Community.

(2) An order may be made by the Crown Court of its own motion or on application by a party to proceedings in the Crown Court.

(3) An order shall set out in a schedule the request for the preliminary ruling of the European Court, and the Crown Court may give directions as to the manner and form in which the schedule is to be prepared.

(4) When an order has been made, a copy shall be sent to the senior master of the Supreme Court (Queen’s Bench Division) for transmission to the Registrar of the European Court.

(5) The proceedings in which an order is made shall, unless the Crown Court otherwise determines, be adjourned until the European Court has given a preliminary ruling on the question referred to it.

(6) Nothing in paragraph (5) shall be taken as preventing the Crown Court from deciding any preliminary or incidental question which may arise in the proceedings after an order is made and before a preliminary ruling is given by the European Court.

Hailsham of St. Marylebone, C.
Lane, C.J.
George S. Waller, L.J.
Hugh Griffiths, L.J.
E.D. Sutcliffe
H.G. Hall

D.R. Thompson
H.L. Birch
Wigoder
M.D.L. Worsley
Norman K. Cooper
R.K.H. Gaskell

Dated 27th July 1982.

Rule 1(2)

SCHEDULE 1

REVOCATIONS

<i>Rules</i>	<i>References</i>
The Crown Court Rules 1971	S.I. 1971/1292
The Crown Court (References to the European Court) Rules 1972	S.I. 1972/1787
The Crown Court (Amendment) Rules 1976	S.I. 1976/1532
The Crown Court (Amendment No. 2) Rules 1976	S.I. 1976/2164
The Crown Court (Amendment) Rules 1978	S.I. 1978/439

Rule 1(3)

SCHEDULE 2

TRANSITIONAL PROVISIONS

1. In this Schedule “the relevant date” means the date on which these Rules come into operation.

2. Where a period of time specified in a Rule revoked by these Rules is current on the relevant date, these Rules shall have effect as if the corresponding provision thereof had come into operation when that period began to run.

3. Rules 3(5) and 4(1)(d) shall not apply where a hearing of an appeal from a magistrates’ court under section 8 of the Affiliation Proceedings Act 1957 has commenced before the relevant date and Rule 4 of the Crown Court Rules 1971 shall continue to apply to that hearing.

4. The proviso to Rule 7(3) shall not apply where a court has exercised its power to defer sentence under section 1(1) of the Powers of Criminal Courts Act 1973 before the relevant date and, in such a case, Rule 7(3) of the Crown Court Rules 1971 shall continue to apply to the giving of a notice of appeal against conviction by an offender.

5. Rule 23 shall not apply where an application under section 2(2) of the Criminal Procedure (Attendance of Witnesses) Act 1965 is made before the relevant date.

6. Rule 25 shall not apply in the case of an appeal against a refusal to excuse a person from jury service in the High Court in Greater London under section 9(2) of the Juries Act 1974 where notice of the appeal is given before the relevant date and Rule 20 of the Crown Court Rules 1971 shall continue to apply to that appeal.

7. Rule 26 shall not apply where an application to the Crown Court to state a case for the opinion of the High Court under section 28 of the Supreme Court Act 1981 is made before the relevant date.

SCHEDULE 3

Rules 6 and 7

ENACTMENTS RELATING TO APPEALS TO CROWN COURT

PART I

ENACTMENTS MAKING SPECIAL PROVISIONS ABOUT PROCEDURE ON
APPEALS TO CROWN COURT

<i>Chapter</i>	<i>Act</i>	<i>Section or Schedule</i>
1957 c.56. 1963 c.2.	The Housing Act 1957 The Betting, Gaming and Lotteries Act 1963	Section 14(5). Schedule 1, paragraphs 21, 28. Schedule 2, paragraph 6. Schedule 3, paragraph 13. Schedule 12, paragraph 19(4).
1963 c.33.	The London Government Act 1963	Schedules 22, 50, 81B, 146, 154. Section 7(1). Section 44. Schedule 5 Part II.
1964 c.26. 1967 c.9. 1968 c.27.	The Licensing Act 1964 The General Rate Act 1967 The Firearms Act 1968	Section 14(4). Schedule 2, paragraphs 29, 31, 45, 46, 50, 61. Schedule 3, paragraphs 12, 13, 15, 16. Schedule 7, paragraphs 11, 20. Schedule 9, paragraph 11. Section 21(5).
1968 c.54. 1968 c.65.	The Theatres Act 1968 The Gaming Act 1968	
1969 c.54.	The Children and Young Persons Act 1969	Schedule 1, paragraph 5. Schedule 3, paragraph 8. Section 77.
1976 c.32	The Lotteries and Amusements Act 1976	
1976 c.70.	The Land Drainage Act 1976	

PART II

AMENDMENTS TO ENACTMENTS SPECIFIED IN PART I

1. In section 14(5) of the Housing Act 1957 for the words "one month" there shall be substituted the words "twenty-one days".

2.—(1) In paragraph 21(1) of Schedule 1 to the Betting, Gaming and Lotteries Act 1963, for the words "fourteen days" there shall be substituted the words "twenty-one days".

(2) In paragraph 6 of Schedule 2 to that Act for the words "and he may appeal" to the end of the paragraph there shall be substituted the words "and within twenty-one days of being so notified he may by notice to the appropriate officer of the Crown Court and to the registering authority appeal against the refusal or revocation to the Crown Court".

(3) In paragraph 13(2) of Schedule 3 to that Act, for the words from "to the next" to the end of the paragraph there shall be substituted the words "to the Crown Court, and such appeal shall be commenced by giving notice to the

appropriate officer of the Crown Court and to the licensing authority within twenty-one days of the holder's being notified of the revocation by the licensing authority".

3. In section 22(1) of the Licensing Act 1964 for the words "fourteen days" there shall be substituted the words "twenty-one days".

4. In section 7(1) of the General Rate Act 1967(a) for the words "to the next practicable court of quarter sessions" there shall be substituted the words "to the Crown Court and such appeal shall be commenced by giving notice to the appropriate officer of the Crown Court within twenty-one days of—

- (a) the date of publication of the rate under section 4 of this Act; or
- (b) the act or thing done by the rating authority; or
- (c) the giving of notice for the purposes of this section to the rating authority as to the neglect or omission concerned,

whichever is the latest".

5. In the Gaming Act 1968 for the words "fourteen days" where they occur in paragraph 29(1) of Schedule 2, paragraphs 12 and 15 of Schedule 3 and paragraphs 11 and 20 of Schedule 7 there shall be substituted the words "twenty-one days".

6. In section 3(8) of the Children and Young Persons Act 1969 for the words "fourteen days" there shall be substituted the words "twenty-one days".

(a) 1967 c.9.

PART III

APPEALS IN WHICH THE NOTICE OF APPEAL IS TO STATE THE
GROUNDS OF APPEAL

<i>Chapter</i>	<i>Act</i>	<i>Section or Schedule</i>
1957 c.56. 1963 c.2.	The Housing Act 1957 The Betting, Gaming and Lotteries Act 1963	Section 14(5). Schedule 1, paragraphs 21, 28. Schedule 2, paragraph 6. Schedule 3, paragraph 13.
1963 c.33.	The London Government Act 1963	Schedule 12, paragraph 19(2).
1964 c.26. 1967 c.9. 1968 c.54. 1968 c.65.	The Licensing Act 1964 The General Rate Act 1967 The Theatres Act 1968 The Gaming Act 1968	Sections 22, 50, 81B, 146, 154. Section 7(1). Section 14(4). Schedule 2, paragraphs 29, 31, 45, 46, 50, 61. Schedule 3, paragraphs 12, 13, 15, 16. Schedule 7, paragraphs 11, 20. Schedule 9, paragraph 11.
1976 c.32.	The Lotteries and Amusements Act 1976.	Schedule 1, paragraph 5. Schedule 3, paragraph 8.
1982 c.30.	The Local Government (Miscellaneous Provisions) Act 1982	Section 5. Schedule 1, paragraph 17. Schedule 3, paragraph 27. Schedule 4, paragraph 6.
1982 c.33.	The Cinematograph (Amendment) Act 1982	Section 4.

Rule 19(4)

SCHEDULE 4

FORM OF NOTICE OF APPLICATION RELATING TO BAIL
IN THE CROWN COURT

Take notice that an application relating to bail will be made to the Crown Court
at _____
on _____ at _____ a.m./p.m.
on behalf of the defendant/appellant/prosecutor/respondent.

Name of defendant/appellant:
(Block letters)

Crown Court No.

Solicitor for the *Applicant*:
Address:

If defendant/appellant is in custody:
state place of detention and
give Prison No. if applicable

State particulars of proceedings
during which defendant/appellant
was committed to custody or
bailed [un]conditionally:

Enter details of any relevant previous
applications for bail or variation of
conditions of bail:

Nature and grounds of application:
(State fully facts relied on and list
previous convictions (if any). Give
details of any proposed sureties and
answer any objections raised
previously):

Notes

The appropriate officer of the Crown Court should be consulted about the time and place of the hearing before this notice is sent to the other party to the application. A copy of this notice should be sent to the Crown Court.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules consolidate, with amendments, the Rules relating to the practice and procedure in the Crown Court specified in Schedule 1 to these Rules. The most important amendments are contained in Rules 3, 4, 22, 23 and 26.

Rule 3 is amended so as to provide that on the hearing of an appeal from a magistrates' court under section 8 of the Affiliation Proceedings Act 1957, the Crown Court shall consist of a judge sitting with two justices each of whom is a member of a domestic court panel and who are chosen so that the court shall include a man and a woman. However, Rule 4(1)(d) provides that the Crown Court may enter any such appeal when the Court includes just one such justice if it appears to the judge that the Court could not be properly constituted without unreasonable delay.

Rule 4(2) provides that immediately after a person's trial on indictment for an offence or the determination of a person's appeal to the Crown Court against conviction by a magistrates' court for an offence, the Crown Court may enter on any proceedings on his committal to the Crown Court for sentence in respect of any other offence in the absence of a justice.

Rule 22 provides a procedure for securing the attendance at the Crown Court of a witness in respect of whom a conditional witness order has been made under section 1(2) of the Criminal Procedure (Attendance of Witnesses) Act 1965. Where an application is made to the Crown Court by one party for the attendance of a conditionally bound witness, the appropriate officer of the Crown Court shall give notice in writing to the witness that he is required to attend in pursuance of the order and inform the other party that such notice has been given. If such an application is made after the commencement of a trial, no such notice shall be given except with the leave of the trial judge.

Rule 23 provides a procedure for applications under section 2(2) of the Act of 1965 for the setting aside of a witness summons. The application is to be made in writing and give reasons why the applicant considers that he cannot give any material evidence. Before granting or refusing any such application the Crown Court shall give the applicant and the person at whose instance the summons was issued an opportunity to make representations to the Crown Court.

Rule 26 provides a new procedure for applications to the Crown Court under section 28 of the Supreme Court Act 1981 for the stating of a case for the opinion of the High Court.

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