

**2000 No. 3284**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Prosecution of Offences (Custody Time Limits)  
(Amendment) Regulations 2000**

*Made* - - - - - *15th December 2000*

*Laid before Parliament* *18th December 2000*

*Coming into force* - - *15th January 2001*

The Secretary of State, in exercise of the powers conferred upon him by sections 22(1) and (2) and 29(2) of the Prosecution of Offences Act 1985(a), hereby makes the following Regulations:

1. These Regulations may be cited as the Prosecution of Offences (Custody Time Limits) (Amendment) Regulations 2000 and shall come into force on 15th January 2001.

2.—(1) The Prosecution of Offences (Custody Time Limits) Regulations 1987(b) shall be amended as follows.

(2) In regulation 5, after paragraph (6A) there shall be inserted the following paragraphs—

“(6B) Where an accused is sent for trial under section 51 of the Crime and Disorder Act 1998 (“the 1998 Act”), the maximum period of custody between the accused being sent to the Crown Court by a magistrates’ court for an offence and the start of the trial in relation to it, shall be 182 days less any period, or the aggregate of any periods, during which the accused has, since that first appearance for the offence, been in the custody of the magistrates’ court.

(6C) Where, following a sending for trial under section 51 of the 1998 Act, a bill of indictment is preferred under the said section 2(2)(b) and the bill does not contain a count charging an offence for which he was not sent for trial, the maximum period of custody between the preferment of the bill and the start of the trial shall be the maximum period of custody as provided for in paragraph (6B) above (after making any deductions required by that paragraph) less any period, or the aggregate of any periods, during which the accused has, since he was sent for trial, been in the custody of the Crown Court in relation to an offence for which he was sent for trial.

(6D) Where, following a sending for trial under section 51 of the 1998 Act, the bill of indictment preferred against the accused (not being a bill preferred under the said section 2(2)(b)) contains a count charging an offence for which he was not sent for trial, the maximum period of custody—

- (a) between the preferment of the bill and the start of the trial, or
- (b) if the count was added to the bill after its preferment, between that addition and the start of the trial,

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(a) 1985 c.23; section 22(2) was amended by section 43(1) of the Crime and Disorder Act 1998 (c.37).

(b) S.I. 1987/299; regulation 5 was amended by the Criminal Procedure and Investigations Act 1996 (c.25); relevant amending instruments are S.I. 1989/767 and 1991/1515.

shall be the maximum period of custody as provided for in paragraph (6B) above (after making any deductions required by that paragraph) less any period, or the aggregate of any periods, during which he has, since being sent for trial, been in the custody of the Crown Court in relation to the offence for which he was previously sent for trial.”

3. The Prosecution of Offences (Custody Time Limits) (Modification) Regulations 1998(a) are hereby revoked.

Home Office  
15th December 2000

*Jack Straw*  
One of Her Majesty's Principal Secretaries of State

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(a) The Prosecution of Offences (Custody Time Limits) (Modification) Regulations 1988 (S.I. 1998/3037) modified the Prosecution of Offences (Custody Time Limits) Regulations 1987 for certain areas only so as to provide for cases where a person is sent for trial under section 51 of the 1998 Act in those areas.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Prosecution of Offences (Custody Time Limits) Regulations 1987 so as to provide for cases where a person is sent from a Magistrates' Court to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998.

Regulation 2 amends regulation 5 of the 1987 Regulations in relation to the new procedure so as to provide for three new paragraphs:

Paragraph (6B) provides a maximum Crown Court custody time limit of 182 days less any period previously spent in the custody of a magistrates' court for the relevant offence.

Paragraph (6C) provides for the maximum Crown Court custody time limit which will apply where a bill of indictment is preferred under section 2(2)(b) of the Administration of Justice (Miscellaneous Provisions) Act 1933 which does not contain a count charging an offence for which that person was not sent for trial.

Paragraph (6D) specifies the maximum Crown Court custody time limit which will apply where a person has been sent for trial under the new procedure and the indictment preferred against him (not being a bill preferred under section 2(2)(b) of the 1933 Act) contains a count charging him with an offence other than the one for which he was sent for trial.

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