

2000 No. 3305

CRIMINAL LAW, ENGLAND AND WALES

The Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2000

Made - - - - - *18th December 2000*
Laid before Parliament *19th December 2000*
Coming into force - - - *15th January 2001*

The Attorney General, in exercise of the powers conferred upon him by paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998 (“the 1998 Act”)(a), hereby makes the following Regulations:

1. These Regulations may be cited as the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2000 and shall come into force on 15th January 2001.
2. Where a person is sent for trial under section 51 of the 1998 Act on any charge or charges, copies of the documents containing the evidence on which the charge or charges are based, shall, within 42 days from the date of the first hearing in the Crown Court, be:
 - (a) served on that person; and
 - (b) given to the Crown Court sitting at the place specified in the notice under subsection (7) of that section.
3. The prosecutor may apply orally or in writing to the Crown Court sitting at the place specified in the notice under section 51(7) of the 1998 Act for the period prescribed by regulation 2 to be extended or, where that period has already been extended, for it to be further extended.
- 4.—(1) Where the prosecutor proposes to make an oral application under regulation 3 above after the first Crown Court appearance of the person who was sent for trial, he shall give notice in writing of his intention to the appropriate officer of the Crown Court; and a copy thereof shall be given at the same time to the person sent for trial.
(2) The first Crown Court appearance of the person who was sent for trial for the purposes of paragraph (1) above shall be taken to mean the first appearance listed by the appropriate officer of the Crown Court under Rule 24ZA of the Crown Court Rules 1982(b).
5. Any written application made under regulation 3 above shall be sent by the prosecutor to the appropriate officer of the Crown Court specifying the grounds for the application; and a copy thereof shall be given at the same time to the person sent for trial who may make written representations in response within 3 days of service of the application on him.

(a) 1998 c. 37; paragraph 1 of Schedule 3 was amended by the Access to Justice Act 1999 (c. 22), sections 67(1) and 108(3).
(b) S.I. 1982/1109. Rule 24ZA of the Crown Court Rules 1982 was inserted by the Crown Court (Modification) Rules 1998 (S.I. 1998/3047) and is revoked and re-enacted by the Crown Court (Amendment) (No. 3) Rules 2000 from 15th January 2001.

6. Where an application under regulation 3 is determined otherwise than at an oral hearing, the appropriate officer of the Crown Court shall, as soon as reasonably practicable, send to all the parties to the case a notice of the outcome of the application.

7. The Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 1998(a) are hereby revoked.

18th December 2000

Gareth Williams
Her Majesty's Attorney General

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to circumstances where a person is sent by a magistrates' court to the Crown Court for trial pursuant to section 51 of the Crime and Disorder Act 1998.

Regulation 2 provides that copies of the documents containing the evidence on which the charge or charges are based shall be served on the person sent for trial and given to the Crown Court within 42 days from the date of the first hearing in the Crown Court.

Regulation 3 provides that the prosecutor may apply for an extension or further extension of the period prescribed by regulation 2 by making an oral or written application to the Crown Court at the place specified in the notice under section 51(7) of the 1998 Act.

Regulation 4 provides for the procedure to be followed on an oral application for the extension or further extension of the prescribed period, where the application is made after the first Crown Court appearance of the person who was sent for trial.

Regulations 5 and 6 provide for the procedure to be followed on a written application for the extension or further extension of the prescribed period.

These Regulations revoke the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 1998.

(a) S.I. 1998/3115.

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