
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 11

**TRANSFER FOR TRIAL OF SERIOUS FRAUD
CASES OR CASES INVOLVING CHILDREN**

Interpretation of this Part

11.1.—(1) In this Part:

“notice of transfer” means a notice referred to in section 4(1) of the Criminal Justice Act 1987(1) or section 53(1) of the Criminal Justice Act 1991(2).

(2) Where this Part requires a document to be given or sent, or a notice to be communicated in writing, it may, with the consent of the addressee, be sent by electronic communication.

(3) Electronic communication means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

(a) by means of an electronic communications network (within the meaning of the Communications Act 2003(3)); or

(b) by other means but while in an electronic form.

[Note. Formerly rule 2 of the Magistrates' Courts (Notice of Transfer) Rules 1988(4) and rule 2 of the Magistrates' Courts (Notice of Transfer) (Children's Evidence) Rules 1992(5). See also sections 4 and 5 of the Criminal Justice Act 1987 and section 53 of, and Schedule 6 to, the Criminal Justice Act 1991. On the coming into force of Schedule 3 to the Criminal Justice Act 2003(6) those provisions will be replaced with sections 51B and 51C of the Crime and Disorder Act 1998(7), which are to similar effect. For the duties of the prosecuting authority see the Criminal Justice Act 1987 (Notice of Transfer) Regulations 1988(8) and the Criminal Justice Act 1991 (Notice of Transfer) Regulations 1992(9).]

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- (1) 1987 c. 38; section 4(1) was amended by section 144 of the Criminal Justice Act 1988 (c. 33), section 45 of, and paragraph 22 of Schedule 5 to, the Legal Aid Act 1988 (c. 34), paragraph 29 of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33) and paragraphs 38 and 39 of Schedule 4 to the Access to Justice Act 1999 (c. 22), and is repealed by paragraph 58 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.
- (2) 1991 c. 53; section 53(1) was amended by paragraph 49 of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33) and is repealed by Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.
- (3) 2003 c. 21.
- (4) S.I. 1988/1701; amending instruments relevant to this Part are S.I. 1997/708, 2001/615 and 2003/1236.
- (5) S.I. 1992/2070; amending instruments relevant to this Part are S.I. 1997/709, 2001/615, 2003/1236.
- (6) 2003 c. 44.
- (7) 1998 c. 37; sections 51B and 51C are inserted by paragraphs 15 and 18 of the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.
- (8) S.I. 1988/1691.
- (9) S.I. 1992/1670, amended by S.I. 1998/461.