



Senior Courts Act 1981

1981 CHAPTER 54

PART III

PRACTICE AND PROCEDURE

THE CROWN COURT

Distribution of business

75 Allocation of cases according to composition of court, etc.

- (1) The cases or classes of cases in the Crown Court suitable for allocation respectively to a judge of the High Court [^{F1}, Circuit judge, Recorder, qualifying judge advocate or District Judge (Magistrates' Courts)] , and all other matters relating to the distribution of Crown Court business, shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor.
- (2) Subject to section 74(1), the cases or classes of cases in the Crown Court suitable for allocation to a court comprising justices of the peace (including those by way of trial on indictment which are suitable for allocation to such a court) shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor.

Textual Amendments

- F1** Words in s. 75(1) substituted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 2 para. 4](#); [S.I. 2012/669](#), art. 4(c)

76 [^{F2}Committal][^{F2}Sending] for trial: alteration of place of trial.

- (1) Without prejudice to the provisions of this Act about the distribution of Crown Court business, the Crown Court may give directions, or further directions, altering the place of any trial on indictment, whether by [^{F3}varying the decision of a magistrates' court

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under section 7 of the Magistrates' Courts Act 1980 or [^{F4}by substituting some other place for the place specified in a notice under [^{F5}a relevant transfer provision] (notices of transfer from magistrates' court to Crown Court)][^{F3}substituting some other place for the place specified in a notice under section 51D(1) of the Crime and Disorder Act 1998 (a "section 51D notice")] or by varying] a previous decision of the Crown Court.

(2) Directions under subsection (1) may be given on behalf of the Crown Court by an officer of the court.

[^{F6}(2A) Where a preparatory hearing has been ordered under section 7 of the Criminal Justice Act 1987, directions altering the place of trial may be given under subsection (1) at any time before [^{F7}the time when the jury are sworn].]

[^{F8}(2B) The reference in subsection (2A) to the time when the jury are sworn includes the time when the jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.]

(3) The defendant or the prosecutor, if dissatisfied with the place of trial as [^{F9}fixed by the magistrates' court, as specified in a notice under a relevant transfer provision][^{F9}specified in a section 51D notice] or as fixed by the Crown Court, may apply to the Crown Court for a direction, or further direction, varying the place of trial; and the court shall take the matter into consideration and may comply with or refuse the application, or give a direction not in compliance with the application, as the court thinks fit.

(4) ^{F10}

[^{F11}(5) [^{F12}In this section "relevant transfer provision" means—

- (a) section 4 of the Criminal Justice Act 1987, or
- (b) section 53 of the Criminal Justice Act 1991.]]

Textual Amendments

- F2** Word in s. 76 heading substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 3 para. 54\(2\)\(d\)](#); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F3** Words in s. 76(1) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 3 para. 54\(2\)\(a\)](#); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F4** Words inserted by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\), s. 15, Sch. 2 para. 10\(a\)](#)
- F5** Words in s. 76(1) substituted (3.2.1995) by 1994 c. 33, s. 168(1), [Sch. 9 para. 17\(a\)](#) (by words at the end of para. 17 it is provided that amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 51 of Schedule 4 to this Act); S.I. 1995/127, art. 2(1), [Sch. 1](#), Appendix A
- F6** S. 76(2A) inserted by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\), s. 15, Sch. 2 para. 10\(b\)](#)
- F7** Words in s. 76(2A) substituted (24.7.2006) by [Criminal Justice Act 2003 \(c. 44\), ss. 331, 336, Sch. 36 para. 47\(2\)](#); S.I. 2006/1835, art. 2(h) (subject to art. 3)
- F8** S. 76(2B) inserted (24.7.2006) by [Criminal Justice Act 2003 \(c. 44\), ss. 331, 336, Sch. 36 para. 47\(3\)](#); S.I. 2006/1835, art. 2(h) (subject to art. 3)

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- F9** Words in s. 76(3) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 54(2)(b)**; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F10** S. 76(4) repealed (1.5.2004) by **Courts Act 2003 (c. 39), ss. 86, 109(3), 110, Sch. 10**; S.I. 2004/1104, art. 3(a)(h)(ii)(i)
- F11** S. 76(5) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 17(c)** (by words at the end of para. 17 it is provided that amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 52 of Schedule 4 to this Act); S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix A
- F12** S. 76(5) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 54(2)(c), Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

77 [F13Committal][F13Sending] for trial: date of trial.

- (1) [F14Criminal Procedure Rules] shall prescribe the minimum and the maximum period which may elapse between a person's [F15being sent for trial] and the beginning of the trial; and such rules may make different provision for different places of trial and for other different circumstances.
- (2) The trial of a person [F16sent for trial]—
- shall not begin until the prescribed minimum period has expired except with his consent and the consent of the prosecutor; and
 - shall not begin later than the expiry of the prescribed maximum period unless a judge of the Crown Court otherwise orders.
- (3) For the purposes of this section the prescribed minimum and maximum periods shall begin with the date [F17when the defendant is sent for trial] and the trial shall be taken to begin when the defendant is arraigned.
- [F18(4) [F19In this section “relevant transfer provision” means—
- section 4 of the Criminal Justice Act 1987, or
 - section 53 of the Criminal Justice Act 1991.]]

Textual Amendments

- F13** Word in s. 77 heading substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 54(3)(e)**; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F14** Words in s. 77(1) substituted (1.9.2004) by **The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, Sch. para. 13** (with art. 2(2))
- F15** Words in s. 77(1) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 54(3)(a)**; S.I. 2005/1267, art. 2(1)(2) (a), Sch. Pt. 1; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)

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- F16** Words in s. 77(2) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 54(3)(b)**; S.I. 2005/1267, art. 2(1)(2) (a), Sch. Pt. 1; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)
- F17** Words in s. 77(3) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 54(3)(c)**; S.I. 2005/1267, art. 2(1)(2) (a), Sch. Pt. 1; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)
- F18** S. 77(4) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 18(d)** (by words at the end of para. 18 it is provided that amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 52 of Schedule 4 to this Act); S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix A
- F19** S. 77(4) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 54(3)(d)**, **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

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