

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1987. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **E+W+N.I.**

Section 1.

THE SERIOUS FRAUD OFFICE

General

- 1 There shall be paid to the Director of the Serious Fraud Office such remuneration as the Attorney General may, with the approval of the Treasury, determine.
- 2 The Director shall appoint such staff for the Serious Fraud Office as, with the approval of the Treasury as to numbers, remuneration and other terms and conditions of service, he considers necessary for the discharge of his functions.
- 3 (1) As soon as practicable after 4th April in any year the Director shall make to the Attorney General a report on the discharge of his functions during the year ending with that date.
(2) The Attorney General shall lay before Parliament a copy of every report received by him under sub-paragraph (1) above and shall cause every such report to be published.

Procedure

- 4 (1) Where any enactment (whenever passed) prohibits the taking of any step—
 - (a) except by the Director of Public Prosecutions or except by him or another; or
 - (b) without the consent of the Director of Public Prosecutions or without his consent or the consent of another,it shall not prohibit the taking of any such step by the Director of the Serious Fraud Office.
(2) In this paragraph references to the Director of Public Prosecutions include references to the Director of Public Prosecutions for Northern Ireland.
- 5 (1) Where the Director has the conduct of any criminal proceedings in England and Wales, the Director of Public Prosecutions shall not in relation to those proceedings be subject to any duty by virtue of section 3(2) of the ^{M1}Prosecution of Offences Act 1985.

^{F1}(2)

Textual Amendments

F1 Sch. 1 para. 5(2) repealed (13.6.2005) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), s. 87\(1\), Sch. 13; S.R. 2005/281, art. 2\(1\), Sch. 1 para. 14\(d\)](#)

Marginal Citations

M1 1985 c. 23.

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- 6 (1) Where the Director or any member of the Serious Fraud Office designated for the purposes of section 1 [^{F2}(5)]above (“designated official”) gives notice to any justice of the peace that he has instituted, or is conducting, any criminal proceedings in England and Wales, the justice shall—
- (a) at the prescribed time and in the prescribed manner; or
 - (b) in a particular case, at the time and in the manner directed by the Attorney General;
- send him every recognizance, information, certificate, deposition, document and thing connected with those proceedings which the justice is required by law to deliver to the appropriate officer of the Crown Court.
- (2) Where the Director or any designated official gives notice that he has instituted, or is conducting, any criminal proceedings in Northern Ireland—
- (a) to a resident magistrate or a justice of the peace in Northern Ireland;
 - (b) to a clerk of petty sessions in Northern Ireland, the person to whom the notice is given shall—
 - (i) at the prescribed time and in the prescribed manner; or
 - (ii) in a particular case, at the time and in the manner directed by the Attorney General,
send him every recognizance, complaint, certificate, deposition, document and thing connected with those proceedings which that person is required by law to deliver to the appropriate officer of the Crown Court.
- (3) The Attorney General may make regulations for the purpose of supplementing this paragraph; and in this paragraph “prescribed” means prescribed by the regulations.
- (4) The Director or, as the case may be, designated official shall—
- (a) subject to the regulations, cause anything which is sent to him under this paragraph to be delivered to the appropriate officer of the Crown Court; and
 - (b) be under the same obligation (on the same payment) to deliver to an applicant copies of anything so sent as that officer.

Textual Amendments

F2 Number substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, [Sch. 15 para. 116](#)

- 7 (1) The Attorney General may make regulations requiring the chief officer of any police force to which the regulations are expressed to apply to give to the Director information with respect to every offence of a kind prescribed by the regulations which is alleged to have been committed in his area and in respect of which it appears to him that there is a prima facie case for proceedings.
- (2) The regulations may also require every such chief officer to give to the Director such information as the Director may require with respect to such cases or classes of case as he may from time to time specify.
- 8 (1) The Attorney General may, with the approval of the Treasury, by regulations make such provision as he considers appropriate in relation to—
- (a) the fees of counsel briefed to appear on behalf of the Serious Fraud Office in any criminal proceedings; and

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- (b) the costs and expenses of witnesses attending to give evidence at the instance of the Serious Fraud Office and, subject to sub-paragraph (2) below, [^{F3}of]any other person who in the opinion of that Office necessarily attends for the purpose of the case otherwise than to give evidence.
- (2) The power conferred on the Attorney General by sub-paragraph (1)(b) above only relates to the costs and expenses of an interpreter if he is required because of the lack of English of a person attending to give evidence at the instance of the Serious Fraud Office.
- (3) The regulations may, in particular—
- (a) prescribe scales or rates of fees, costs or expenses; and
- (b) specify conditions for the payment of fees, costs or expenses.
- (4) Regulations made under sub-paragraph (1)(b) above may provide that scales or rates of costs and expenses shall be determined by the Attorney General with the consent of the Treasury.
- [^{F4}(5) In sub-paragraph (1)(b) above “attends” means attends at the court or elsewhere.]

Textual Amendments

- F3** Word substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 166(5)(a), **Sch. 8 para. 16**
- F4** [Sch. 1 para. 8\(5\)](#) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 166(5)(b), **Sch. 8 para. 16**

Modifications etc. (not altering text)

- C1** [Sch. 1 para. 8](#) applied (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 2 para. 15**; [S.I. 2008/755](#), art. 15(1)(h)

- 9 (1) Any power to make regulations under this Schedule shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any such regulations may make different provision with respect to different cases or classes of case.

SCHEDULE 2 **U.K.**

MINOR AND CONSEQUENTIAL AMENDMENTS

Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36.)

^{F5}₁

Textual Amendments

- F5** [Sch. 2 para. 1](#) 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. 37 Pt. 4**; [S.I. 2012/1320](#), art. 4(1)(d)(2)(3) (with art. 5); [S.I. 2012/2574](#), art. 2(2)(3)(d), [Sch.](#) (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2); [S.I. 2013/1103](#), art. 2(1)(d)(2)(3) (with arts. 3, 4)

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Criminal Justice Act 1967 (c. 80.)

[^{F6}2 At the end of section 11(8) of the Criminal Justice Act 1967 (by virtue of which the period for giving notice of an alibi is 7 days from the end of the proceedings before the examining justices) there shall be added the words “or, where a notice of transfer has been given under section 4 of the Criminal Justice Act 1987, of the giving of that notice”.]

Textual Amendments

F6 Sch. 2 para. 2 repealed (E.W, N.I.)(4.7.1997 with effect as mentioned in s. 74) by 1996 c. 25, ss. 74, 80, Sch. 5 para. 2 Table 9 (with s. 78(1)); S.I. 1997/682, art. 2(1) for E.W.

Criminal Appeal Act 1968 (c. 19.)

3 At the end of subsection (1) of section 33 of the Criminal Appeal Act 1968 (right of appeal to House of Lords) there shall be added the words “or section 9 (preparatory hearings) of the Criminal Justice Act 1987”.

4 In section 36 of that Act (bail on appeal by defendant) after the word “Lords,” there shall be inserted the words “other than a person appealing or applying for leave to appeal from a decision on an appeal under section 9(11) of the Criminal Justice Act 1987 (appeals against orders or rulings at preparatory hearings),”

5 In section 38 of that Act (presence of defendant at hearing) after the word “who” there shall be inserted the words “has been convicted of an offence and”.

Prosecution of Offences (Northern Ireland) Order 1972 (S.I., 1972, No. 538 N.I. 1.)

^{F7}6

Textual Amendments

F7 Sch. 2 para. 6 repealed (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), Sch. 13; S.R. 2010/113, art. 2, Sch. para. 21(n)

7, 8. ^{F8}

Textual Amendments

F8 Sch. 2 paras. 7, 8 repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, Sch. 6

Bail Act 1976 (c. 63.)

^{F9}9

Textual Amendments

F9 Sch. 2 para. 9 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. 37 Pt. 4; S.I. 2012/1320, art.

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4(1)(d)(2)(3) (with art. 5); S.I. 2012/2574, art. 2(2)(3)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts. 3, 4)

- 10 In section 76 of the [^{F10}Senior Courts Act 1981] (alteration by Crown Court of place of trial)—
- (a) in subsection (1), after the word “or”, in the second place where it occurs, there shall be inserted the words “by substituting some other place for the place specified in a notice under section 4 of the Criminal Justice Act 1987 (notices of transfer from magistrates’ court to Crown Court) or by varying”;
 - (b) after subsection (2), there shall be inserted the following subsection—
 - “(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 the jury are sworn”; and
 - (c) in subsection (3), for the word “or”, in the second place where it occurs, there shall be substituted the words “as specified in a notice under section 4 of the Criminal Justice Act 1987 or as fixed”.

Textual Amendments

F10 Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, art. 2(d)

- 11 In section 77(1) of that Act (by virtue of which Crown Court Rules are required to prescribe the minimum and maximum period which may elapse between a person’s committal for trial and the beginning of the trial) after the word “trial”, in the first place where it occurs, there shall be inserted the words “or the giving of a notice of transfer under section 4 of the Criminal Justice Act 1987”.
- 12 In section 81(1)(a) of that Act (power of Crown Court to grant bail to any person committed in custody for appearance before the Crown Court) after the word “Court” there shall be inserted the words “or in relation to whose case a notice of transfer has been given under section 4 of the Criminal Justice Act 1987”.

Prosecution of Offences Act 1985 (c. 23.)

- 13 In section 3(2) of the Prosecution of Offences Act 1985 (which makes provision, amongst other things, for the duties of the Director of Public Prosecutions in relation to the conduct of criminal proceedings) after the word “Director” there shall be inserted the words “, subject to any provisions contained in the Criminal Justice Act 1987”.

^{F11}14

Textual Amendments

F11 Sch. 2 para. 14 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. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5); S.I. 2012/2574, art. 2(2)(3)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts. 3, 4)

- 15 The following subsection shall be inserted after section 16(4) of that Act—

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“(4A) The court may also make a defendant’s costs order in favour of the accused on an appeal under section 9(11) of the Criminal Justice Act 1987 (appeals against orders or rulings at preparatory hearings).”.

16 At the end of subsection (2)(b) of section 18 of that Act (award of costs against accused) there shall be added “or

(c) an appeal or application for leave to appeal under section 9(11) of the Criminal Justice Act 1987;”.

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