



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART IV

RULINGS

39 Meaning of pre-trial hearing.

- (1) For the purposes of this Part a hearing is a pre-trial hearing if it relates to a trial on indictment and it takes place—
 - (a) [^{F1}after the accused has been sent for trial for the offence, and]
 - (b) before the start of the trial.
- (2) For the purposes of this Part a hearing is also a pre-trial hearing if—
 - (a) it relates to a trial on indictment to be held in pursuance of a bill of indictment preferred under the authority of section 2(2)(b) [^{F2}or (ba)] of the ^{M1}Administration of Justice (Miscellaneous Provisions) Act 1933 (bill preferred by direction of Court of Appeal, or by direction or with consent of a judge), and
 - (b) it takes place after the bill of indictment has been preferred and before the start of the trial.
- (3) For the purposes of this section the start of a trial on indictment occurs [^{F3}at the time when a jury is sworn] to consider the issue of guilt or fitness to plead or, if the court accepts a plea of guilty before [^{F4}the time when a jury is sworn] , when that plea is accepted; but this is subject to section 8 of the ^{M2}Criminal Justice Act 1987 and section 30 of this Act (preparatory hearings).
- [^{F5}(4) The references in subsection (3) to the time when a jury is sworn include the time when that jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.]

Changes to legislation: Criminal Procedure and Investigations Act 1996, Section 39 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Extent Information

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in Schedule 4; see s. 79

Textual Amendments

- F1** S. 39(1)(a) substituted (9.5.2005 for specified purposes, 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. 66\(7\)](#); 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); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F2** Words in s. 39(2)(a) inserted (24.2.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 17 para. 37\(4\)](#) (with [Sch. 17 para. 39](#)); S.I. 2014/258, art. 2(b)
- F3** Words in s. 39(3) substituted (24.7.2006 for E.W. and 8.1.2007 for N.I.) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, [Sch. 36 Pt. 4 para. 71\(2\)](#); S.I. 2006/1835, art. 2 (subject to art. 3); S.I. 2006/3422, art. 2
- F4** Words in s. 39(3) substituted (24.7.2006 for E.W. and 8.1.2007 for N.I.) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, [Sch. 36 Pt. 4 para. 71\(2\)](#); S.I. 2006/1835, art. 2 (subject to art. 3); S.I. 2006/3422, art. 2
- F5** S. 39(4) inserted (24.7.2006 for E.W. and 8.1.2007 for N.I.) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, [Sch. 36 Pt. 4 para. 71\(3\)](#); S.I. 2006/1835, art. 2(h) (subject to art. 3); S.I. 2006/3422, art. 2

Marginal Citations

- M1** 1933 c. 36.
M2 1987 c. 38.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(6) added by [1997 c. 39 s. 9\(4\)](#)
- s. 5(1A) amendment to earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8 by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- s. 5(1A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 8](#)
- s. 5(1A) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)
- s. 13(1)(ba)(b) substituted for s. 13(1)(b) by 2015 c. 9 (N.I.), Sch. 2 para. 8(2) (as inserted) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 4 para. 4(f) and word added by [S.I. 2003/1247 \(N.I.\) Sch. 1 para. 16](#)