



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART VII

MISCELLANEOUS AND GENERAL

Other miscellaneous provisions

71 Meaning of preliminary stage of criminal proceedings

(1) Section 22 of the Prosecution of Offences Act 1985 (power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings) shall be amended as mentioned in subsections (2) and (3).

(2) In subsection (11) the following shall be substituted for the definition of “preliminary stage”—

““preliminary stage”, in relation to any proceedings, does not include any stage after the start of the trial (within the meaning given by subsections (11A) and (11B) below);”.

(3) The following subsections shall be inserted after subsection (11)—

“(11A) For the purposes of this section, the start of a trial on indictment shall be taken to occur 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 a jury is sworn, when that plea is accepted; but this is subject to section 8 of the Criminal Justice Act 1987 and section 30 of the Criminal Procedure and Investigations Act 1996 (preparatory hearings).

(11B) For the purposes of this section, the start of a summary trial shall be taken to occur—

(a) when the court begins to hear evidence for the prosecution at the trial or to consider whether to exercise its power under section 37(3) of

Status: This is the original version (as it was originally enacted).

- the Mental Health Act 1983 (power to make hospital order without convicting the accused), or
- (b) if the court accepts a plea of guilty without proceeding as mentioned above, when that plea is accepted.”
- (4) The Prosecution of Offences (Custody Time Limits) Regulations 1987 shall be amended as follows, but without prejudice to the power to make further regulations amending or revoking the provisions amended—
- (a) in regulation 2 (interpretation) for paragraph (3) there shall be substituted—
- “(3) In these Regulations any reference to the start of the trial shall be construed in accordance with section 22(11A) and (11B) of the 1985 Act.”;
- (b) in regulation 4 (custody time limits in magistrates' courts) in paragraphs (2) and (3) for “commencement” there shall be substituted “start”;
- (c) in regulation 5 (custody time limits in Crown Court) for “his arraignment” in paragraphs (3)(a) and (b) and (6)(a) and (b), and for “the accused’s arraignment” in paragraph (5), there shall be substituted “the start of the trial”;
- (d) regulation 5(7) (when arraignment occurs) shall be omitted.
- (5) This section applies in relation to—
- (a) any time limit which begins to run on or after the appointed day, and
- (b) any time limit which has begun to run and has not expired before that day, except that it does not apply in relation to proceedings for an offence for which the accused has been duly arraigned in the Crown Court before that day.
- (6) The reference in subsection (5) to the appointed day is to such day as is appointed for the purposes of this section by the Secretary of State by order.