

ACCESS TO JUSTICE ACT 1999

EXPLANATORY NOTES

C.

APPEALS, COURTS, ETC. (PART IV - SECTIONS 54-73)

Commentary

Crown Court

228. **Section 66/Schedule 9 - Enforcement of community orders.** Section 66 gives effect to Schedule 9 which changes the way in which breaches of certain community orders imposed by the Crown Court are dealt with. Where the sentencing judge has so directed, the breach will return directly to the Crown Court, rather than going first to a magistrates' court as now. The Schedule also provides that applications to revoke a relevant Crown Court community order will be made to the Crown Court and not to a magistrates' court.

- The relevant *community orders* are the first 4 listed in the second part of Annex B to these Notes.

Breaches and revocations of drugs treatment and testing orders are automatically dealt with by the court that made the order. Schedule 9 does not change this.

229. **Section 67: Time limits where accused sent for trial.** Section 67 makes various amendments to earlier Acts to facilitate the implementation of section 51 of the Crime and Disorder Act 1998, which provides for indictable-only cases to be sent directly to the Crown Court for trial, without formal committal proceedings in a magistrates' court. The new arrangements are currently being piloted in several parts of the country.

Indictable-only cases can only be tried by the Crown Court, i.e. not by a magistrates' court.

230. Schedule 3 of the 1998 Act provides for regulations to be made about the service of evidence in cases sent to the Crown Court under section 51 of the 1998 Act. The intention was to set a fixed timetable to ensure these cases proceeded speedily. But the regulations can only set a single period for serving evidence which applies to all cases. Some cases are more complex than others, and require more preparation time. So the regulations made for the pilots had to prescribe a time limit of one year, to ensure the requirement could be met in more complex cases. This length of time is not necessary in the vast majority of cases. Section 67(1) therefore amends the 1998 Act to give the judge discretion to extend the period set by the regulations. This will allow a shorter period to be set in the regulations.

231. **Section 67(2)** amends section 13 of the Criminal Procedure Investigations Act 1996 to provide for the time by when the prosecutor must disclose unused material in cases sent for trial without committal proceedings.

*These notes refer to the Access to Justice Act 1999
(c.22) which received Royal Assent on 27th July 1999*

232. [Section 67\(3\)](#) amends section 22 of the Prosecution of Offences Act 1985 to allow the Crown Court to extend time limits in the preliminary stages of cases sent for trial under section 51 of the 1998 Act.