

1972 No. 1787 (L.26)

SUPREME COURT OF JUDICATURE, ENGLAND

The Crown Court (References to the European Court) Rules 1972

<i>Made</i> - - - -	21st November 1972
<i>Laid before Parliament</i>	1st December 1972
<i>Coming into Operation</i>	1st January 1973

We, the Crown Court rule committee, in exercise of the powers conferred upon us by sections 14(1) and 15 of the Courts Act 1971(a), hereby make the following Rules:—

1. These Rules may be cited as the Crown Court (References to the European Court) Rules 1972 and shall come into operation on 1st January 1973.

2.—(1) In these Rules—

“the Court” means the Crown Court;

“the European Court” means the Court of Justice of the European Communities; and

“order” means an order referring a question to the European Court for a preliminary ruling under Article 177 of the Treaty establishing the European Economic Community, Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3.—(1) An order may be made by the Court of its own motion or on application by a party to proceedings in the Crown Court.

(2) An order shall set out in a schedule the request for the preliminary ruling of the European Court, and the Court may give directions as to the manner and form in which the schedule is to be prepared.

4. When an order has been made, a copy shall be sent to the senior master of the Supreme Court (Queen’s Bench Division) for transmission to the Registrar of the European Court.

(a) 1971 c. 23.

(b) 1889 c. 63.

5.—(1) The proceedings in which an order is made shall, unless the Court otherwise determines, be adjourned until the European Court has given a preliminary ruling on the question referred to it.

(2) Nothing in paragraph (1) above shall be taken as preventing the Court from deciding any preliminary or incidental question which may arise in the proceedings after an order is made and before a preliminary ruling is given by the European Court.

Dated 21st November 1972.

Hailsham of St. Marylebone, C.
Widgery, C.J.
Frederick Lawton, L.J.
George Bean, J.
C. D. Aarvold.
Alan S. Trappell.
D. R. Thompson.
J. B. Edwards.
Basil Wigoder.
David Calcutt.
A. Crawford Caffin.
G. G. A. Whithead.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules regulate the procedure of the Crown Court on references to the European Court for preliminary rulings under Article 177 of the E.E.C. Treaty, Article 150 of the Euratom Treaty and Article 41 of the E.C.S.C. Treaty. Those Articles directly confer a power, and in some cases a duty, on courts to refer certain questions as to the interpretation and validity of Community law to the European Court for a preliminary ruling.

The Rules provide that the Crown Court may order a reference of its own motion or on application by a party to proceedings in that Court. When made, the order is to set out the request for the European Court's ruling in a schedule. Normally the proceedings will be adjourned pending the European Court's ruling. A copy of the order will be transmitted by the senior master to the Registrar of the European Court, thus constituting the notice of the reference required by Article 20(1) of the Statute of the European Court. Once received by the Registrar of the European Court, the reference will proceed to the ruling by that court in accordance with its own rules of procedure, after which the case will revert to the Crown Court for decision.

SI 1972/1787
ISBN 0-11-021787-X



780110217871