
STATUTORY INSTRUMENTS

1989 No. 767

CRIMINAL LAW, ENGLAND AND WALES

The Prosecution of Offences (Custody Time Limits) (Amendment) Regulations 1989

<i>Made</i>	- - - -	<i>4th May 1989</i>
<i>Laid before Parliament</i>		<i>10th May 1989</i>
<i>Coming into force</i>	- -	<i>1st June 1989</i>

In exercise of the powers conferred on me by sections 22(1) and (2) and 29(2) of the Prosecution of Offences Act 1985(1), I hereby make the following Regulations:

1.—(1) These Regulations may be cited as the Prosecution of Offences (Custody Time Limits) (Amendment) Regulations 1989.

(2) In these Regulations “the principal regulations” means the Prosecution of Offences (Custody Time Limits) Regulations 1987(2) and references to a notice of transfer are references to a notice given under section 4 of the Criminal Justice Act 1987(3).

(3) These Regulations shall come into force on 1st June 1989, but—

(a) regulations 2 and 4(a) shall not apply in relation to proceedings for an offence instituted before that date except where—

(i) the accused is committed for trial in the Crown Court, or

(ii) notice of transfer is given in respect of the case, or

(iii) a bill of indictment is preferred against the accused under section 2(2)(b) of the Administration of Justice (Miscellaneous Provisions) Act 1933(4),

on or after that date; and

(b) regulations 3 and 4(b) shall not apply in relation to proceedings for an offence instituted before that date.

2. In paragraph (2) of regulation 3 of the principal regulations (application) at the end of the list of counties there shall be inserted the following—

(1) 1985 c. 23; section 22 was amended by the Criminal Justice Act 1988 (c. 33), Schedule 15, paragraph 104 (where subsection (3) (a) of section 5 of the Criminal Justice Act 1987 is incorrectly cited as subsection (2)(a) of that section).

(2) S.I. 1987/299; amended by S.I. 1988/164.

(3) 1987 c. 38.

(4) 1933 c. 36; section 2(2)(b) has effect as provided by the Supreme Court Act 1981 (c. 54), Schedule 5.

“Cambridgeshire	Norfolk
Cumbria	Northamptonshire
Cleveland	Northumbria
Derbyshire	North Yorkshire
Durham	Nottinghamshire
Hereford and Worcester	Shropshire
Humberside	Staffordshire
Lancashire	South Yorkshire
Leicestershire	Suffolk
Lincolnshire	Warwickshire
Merseyside	West Yorkshire”.

3. Regulation 4 of the principal regulations (custody time limits in magistrates' courts) shall be amended as follows:

- (a) in paragraphs (2) and (4) for the words following “shall be” in each paragraph there shall be substituted in each place the words “70 days (save that in the case of proceedings instituted in the Birmingham petty sessions area it shall be 84 days).”;
- (b) for paragraph (5) the shall be substituted the following paragraph:

“(5) The foregoing provisions of this regulation shall have effect as if any reference therein to the time when the court decides whether or not to commit the accused to the Crown Court for trial were a reference–

 - (a) where a court proceeds to inquire into an information as examining justices in pursuance of section 6(1) of the 1980 Act, to the time when it begins to hear evidence for the prosecution at the inquiry;
 - (b) where a notice has been given under section 4(1)(c) of the Criminal Justice Act 1987 (in these Regulations referred to as a “notice of transfer”), to the date on which notice of transfer was given.”.

4. Regulation 5 of the principal regulations (custody time limits in the Crown Court) shall be amended as follows:

- (a) at the end of the list of places there shall be inserted the following–

“Beverley	Northampton
Burnley	Norwich
Cambridge	Nottingham
Carlisle	Peterborough
Derby	Preston
Doncaster	Sheffield
Durham	Shrewsbury
Grimsby	Stafford
Huddersfield	Stoke-on-Trent

Ipswich	Teesside
Leeds	Truro
Leicester	Wakefield
Lincoln	Warwick
Liverpool	Worcester
Newcastle-upon-Tyne	York”;

and the entry therein for Bodmin shall be omitted;

- (b) after paragraph (6) there shall be inserted the following paragraph—

“(6A) The foregoing provisions of this regulation shall have effect, where notice of transfer is given in respect of a case, as if references to committal for trial and to offences for which a person was or was not committed for trial included references to the giving of notice of transfer and to charges contained or not contained in the notice of transfer.”.

5. Regulation 7(2) of the principal regulations (application for extension of custody time limits) shall be amended as follows:

- (a) for the words “the appropriate officer of the Crown Court” there shall be substituted the words “the proper officer of the court”;
- (b) there shall be inserted after that paragraph the following paragraph:

“(2A) In paragraph (2) above, “the proper officer of the court” means in relation to an application in the Crown Court the appropriate officer of the court and in relation to an application in a magistrates' court the clerk of the court.”.

Home Office
4th May 1989

Douglas Hurd
One of Her Majesty's Principal Secretaries of
State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 3 of the Prosecution of Offences (Custody Time Limits) Regulations 1987 (the “principal regulations”) applies the regulations to proceedings instituted in certain counties; and regulation 5 provides for custody time limits in the Crown Court in such proceedings at specified Crown Court centres. Those regulations are amended so as to include the remainder of the Northern circuit, the whole of the North Eastern circuit, the greater part of the Midland and Oxford circuit and certain Crown Court centres in the South Eastern circuit. The entry relating to Bodmin, which has been replaced as a Crown Court centre by Truro, is removed.

Regulation 4 is amended so as to reduce the custody time limit in magistrates' courts in relation to proceedings instituted in the West Midlands from 84 days to 70 days, except in the case of the Birmingham petty sessions area.

The remaining provisions of the Regulations apply the principal regulations to cases where proceedings are transferred to the Crown Court in pursuance of a notice of transfer given under section 4 of the Criminal Justice Act 1987 (c. 38) and rectify a minor omission in regulation 7(2) of the principal regulations.

By virtue of regulation 1(3), the Regulations come into force on 1st June 1989.