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STATUTORY INSTRUMENTS

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**1998 No. 3037**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Prosecution of Offences (Custody Time Limits) (Modification) Regulations 1998**

*Made* - - - - *2nd December 1998*  
*Laid before Parliament* *14th December 1998*  
*Coming into force* - - *4th January 1999*

The Secretary of State, in exercise of the powers conferred upon him by sections 22(1) and (2) and 29(2) of the Prosecution of Offences Act 1985(1), hereby makes the following Regulations:

1. These Regulations may be cited as the Prosecution of Offences (Custody Time Limits) (Modification) Regulations 1998 and shall come into force on 4th January 1999.

2.—(1) The Prosecution of Offences (Custody Time Limits) Regulations 1987(2) shall have effect in any area from which and any place to which a person is sent for trial under section 51 of the Crime and Disorder Act 1998 as if they were amended as follows.

(2) In regulation 5, after paragraph (6A) there shall be inserted the following paragraph—

“(6B) Where an accused is sent for trial under section 51 of the Crime and Disorder Act 1998, the maximum period of custody between the accused being sent to the Crown Court by a magistrates' court for an offence and the start of the trial in relation to it, shall be—

- (a) in the case of an accused who first appears in a magistrates' court on or after 4th January 1999, 182 days less any period, or the aggregate of any periods, during which the accused has, since that first appearance for the offence, been in the custody of that court; and
- (b) in the case of an accused who first appeared in a magistrates' court before 4th January 1999, either—
  - (i) the period described in sub-paragraph (a) above; or
  - (ii) 112 days,whichever is the longer period.”.

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(1) 1985 c. 23; section 22(2) was amended by section 43(1) of the Crime and Disorder Act 1998 (c. 37).

(2) S.I.1987/299; regulation 5 was amended by the Criminal Procedure and Investigations Act 1996 (c. 25); relevant amending instruments are S.I. 1989/767, 1991/1515 and 1995/555.

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**Status:** This is the original version (as it was originally made).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

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Home Office  
2nd December 1998

*Jack Straw*  
One of Her Majesty's Principal Secretaries of  
State

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These Regulations modify the Prosecution of Offences (Custody Time Limits) Regulations 1987 so as to provide for cases where a person is sent from a magistrates' court to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998.

Regulation 2 amends regulation 5 of the 1987 Regulations in relation to the new procedure so as to provide a maximum Crown Court custody time limit of 182 days less any period previously spent in the custody of a magistrates' court for the relevant offence. In relation to cases where the accused first appeared before a magistrates' court prior to the commencement of the new procedure, the Crown Court limit will be no less than 112 days (the current custody time limit after committal for trial).