
STATUTORY INSTRUMENTS

1998 No. 461

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 1991 (Notice of Transfer) (Amendment) Regulations 1998

Made - - - - - *23rd February 1998*
Laid before Parliament *27th February 1998*
Coming into force - - - *1st April 1998*

The Attorney General, in exercise of the powers conferred upon him by section 53(5) of, and paragraph 4 of Schedule 6 to, the Criminal Justice Act 1991(1), hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Criminal Justice Act 1991 (Notice of Transfer) (Amendment) Regulations 1998 and shall come into force on 1st April 1998.

Amendment of 1992 Regulations

2.—(1) The Criminal Justice Act 1991 (Notice of Transfer) Regulations 1992(2) shall be amended as follows—

- (a) for paragraph (b) of regulation 3 there shall be substituted the following paragraph—
 - “(b) subject to regulation 3A below, copies of the documents containing the evidence (including oral evidence) on which any charge to which the notice of transfer relates is based.”;
- (b) after regulation 3 there shall be inserted the following regulation—
 - “3A. There shall be no requirement for copies of any documents referred to in the documents sent with the notice of transfer as having already been supplied to accompany the copy of the notice of transfer given in accordance with regulation 3 above.”;
- (c) for paragraph (b) of regulation 4 there shall be substituted the following paragraph—

(1) 1991 c. 53. Paragraph 4 of Schedule 6 to the Criminal Justice Act 1991 was amended by section 45 of the Criminal Procedure and Investigations Act 1996 (c. 25).
(2) S.I.1992/1670 was amended by the Criminal Justice Act 1991 (Notice of Transfer) Amendment Regulations 1997 S.I. 1997/738.

- “(b) copies of the documents referred to in paragraph (b) of that regulation, including both those which accompanied the copy of the notice of transfer given to the person to whom the notice relates and those which had already been supplied.”;
- (d) in Form 2 in the Schedule—
- (i) in paragraph 4 after the words “the copy of that notice given to you” there shall be inserted the words “or is referred to as having already been supplied to you”;
- (ii) at the end of paragraph 5 there shall be added the following—
- “which have not already been supplied to you. Where such a statement or document has already been supplied, that fact is indicated on the list.”;
- (iii) for paragraph 6 there shall be substituted the following paragraph—
- “6. I also enclose a list of the exhibits in your case together with copies of those exhibits which are in documentary form which have not already been supplied to you. Where a copy has already been supplied, that fact is indicated on the list.”.

23rd February 1998

John Morris
Her Majesty’s Attorney General

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Justice Act 1991 (Notice of Transfer) Regulations 1992. They remove from the special procedures for the transfer to the Crown Court of certain cases involving children, the requirements for the prosecutor to provide a statement of evidence and to re-serve with the notice of transfer documents which have already been supplied to the defence.