
STATUTORY INSTRUMENTS

2005 No. 1534

The Standing Civilian Courts (Amendment) Order 2005

Amendments to the Standing Civilian Courts Order 1997

- 2.—(1) The Standing Civilian Courts Order 1997(1) (“the 1997 Order”) is amended as follows.
- (2) In article 2 after the definition of “the 1955 Act” there is inserted—
- ““the 2003 Act” means the Criminal Justice Act 2003;”.
- (3) After article 26 there is inserted—

“Procedure for the admission of evidence of bad character

26A.—(1) Where a party to the proceedings wishes to obtain the leave of the court under section 100(4) of the 2003 Act to adduce evidence of the bad character of a person other than an accused, he shall apply in the form set out in Schedule 2 to this Order and the application must be received by the court administration officer and all other parties to the proceedings—

- (a) where that party is an accused or co-accused, not more than 14 days after service on him of the prosecution papers in accordance with article 10; or
- (b) where that party is the prosecuting authority, not more than 7 days after the preferment of a charge or charges pursuant to article 6; or
- (c) where the application concerns a person other than an accused who is invited to give (or has given) evidence for an accused, as soon as reasonably practicable.

(2) A party to the proceedings who receives a copy of an application under paragraph (1) may oppose that application by giving notice in writing to the court administration officer and all other parties to the proceedings not more than 14 days after receiving that application.

(3) Where a prosecutor wishes to adduce evidence of an accused’s bad character he shall give notice in the form set out in Schedule 2 to this Order to the court administration officer and all other parties to the proceedings not more than 7 days after preferment of a charge or charges pursuant to article 6.

(4) Where a co-accused wishes to adduce evidence of an accused’s bad character he shall give notice in the form set out in Schedule 2 to this Order to the court administration officer and all other parties to the proceedings not more than 14 days after service on him of the prosecution papers in accordance with article 10.

(5) Where an accused wishes to apply to exclude evidence of his bad character under section 101(3) of the 2003 Act he shall apply in the form set out in Schedule 2 to this Order and the application must be received by the court administration officer and all other parties to the proceedings not more than 14 days after the accused receives a notice under paragraph (3) or (4).

(6) An accused entitled to receive a notice under this rule may waive his entitlement by so informing the court administration officer and the party who would otherwise have given the notice.

(7) The magistrate may—

- (a) allow a notice or application required under this article to be given or made in a different form, or orally; or
- (b) reduce a time limit under this article, or extend it whether or not it has expired,

if it is in the interests of justice to do so.

(8) Where this article requires a notice or application to be given or made it may be given or made by fax or other means of electronic communication.

Procedure for the admission of hearsay evidence

26B.—(1) Where a party to the proceedings wishes to adduce hearsay evidence on one or more of the grounds in section 114(1) of the 2003 Act, he shall give notice in the form set out in Schedule 2 to this Order and such notice must be received by the court administration officer and all other parties to the proceedings—

- (a) where that party is an accused or co-accused, not more than 14 days after service on him of the prosecution papers in accordance with article 10; or
- (b) where that party is the prosecuting authority, not more than 7 days after the preferment of a charge or charges pursuant to article 6.

(2) A party to the proceedings who receives a notice under paragraph (1) may oppose the admission of the hearsay evidence by giving notice in the form set out in Schedule 2 to this Order to the court administration officer and all other parties to the proceedings not more than 14 days after receiving that notice.

(3) A party entitled to receive a notice under this rule may waive his entitlement by so informing the court administration officer and the party who would otherwise have given the notice.

(4) The magistrate may—

- (a) dispense with the requirement to give notice of an intention to adduce hearsay evidence;
- (b) allow a notice required under this rule to be given in a different form, or orally; or
- (c) reduce a time limit under this rule, or extend it whether or not it has expired,

if it is in the interests of justice to do so.

(5) Where this rule requires a notice to be given or sent it may be sent by fax or other means of electronic communication.

Application of articles 26A and 26B

26C. Articles 26A and 26B shall only apply in relation to proceedings in which no charge has been preferred before 1 July 2005.”.