
STATUTORY INSTRUMENTS

1983 No. 284**CRIMINAL LAW, ENGLAND AND WALES****The Indictments (Procedure) (Amendment) Rules 1983***Made* - - - 18th February 1983*Coming into Operation* 18th April 1983

The Lord Chancellor, in exercise of the powers conferred upon him by section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933(a), hereby makes the following Rules:—

1. These Rules may be cited as the Indictments (Procedure) (Amendment) Rules 1983 and shall come into operation on 18th April 1983.

2. For Rule 5 of the Indictments (Procedure) Rules 1971(b) there shall be substituted the following rule:—

“5.—(1) Subject to the provisions of this rule, where a defendant has been committed for trial, a bill of indictment shall be preferred within a period of 28 days commencing with the date of committal.

(2) The period referred to in paragraph (1) may, on the application of the person preferring the bill of indictment or otherwise, be extended by a judge of the Crown Court before or after it has expired; and any period so extended may be further extended in like manner.

(3) Notwithstanding paragraph (2), the first extension of the period may be granted by the appropriate officer of the Crown Court provided that the period of the extension does not exceed 28 days; but if the appropriate officer is of the opinion that the first extension of the period should not be granted, he shall refer the application to a judge of the Crown Court who shall determine the application himself.

(4) An application under paragraph (2) shall—

(a) be in writing unless a judge of the Crown Court otherwise directs; and

(b) include a statement of the reasons why an extension of the period referred to in paragraph (1) is necessary.

(a) 1933 c.36

(b) S.I. 1971/2084.

(5) Where an application under paragraph (2) is made after the expiry of the period referred to in paragraph (1) or, as the case may be, the expiry of that period as extended under paragraph (2), the application shall in addition include a statement of the reasons why the application was not made before the expiry of the period or, as the case may be, the extended period.”.

Hailsham of St. Marylebone, C.

18th February 1983.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules substitute a new Rule 5 in the Indictments (Procedure) Rules 1971 so as to make fresh provision as regards the time within which a bill of indictment is to be preferred. The bill is to be preferred within a period of 28 days commencing with the date of the defendant's committal for trial unless that period is extended in accordance with the provisions of new Rule 5. In particular new Rule 5 provides that the period may be extended before or after it expires by a judge of the Crown Court and may be further extended in like manner, although an initial extension of 28 days can be granted by the appropriate officer of the Crown Court. The application is to be made in writing unless a judge of the Crown Court otherwise directs and shall include a statement of the reasons why the extension is necessary.

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