

1988 No. 1635 (L.19)

SUPREME COURT OF ENGLAND AND WALES

The Crown Court (Amendment) (No. 3) Rules 1988

<i>Made</i> - - - -	<i>20th September 1988</i>
<i>Laid before Parliament</i>	<i>26th September 1988</i>
<i>Coming into force</i>	<i>17th October 1988</i>

We, the Crown Court Rule Committee, in exercise of the powers conferred upon us by sections 74(3), 84(1) and (2) and 86 of the Supreme Court Act 1981(a), hereby make the following Rules:-

1.—(1) These Rules may be cited as the Crown Court (Amendment) (No. 3) Rules 1988 and shall come into force on 17th October 1988.

(2) Rules 2, 4 and 5 of these Rules shall not have effect in relation to any appeal commenced before the coming into force of these Rules.

(3) In these Rules “the principal Rules” means the Crown Court Rules 1982(b).

2. At the end of rule 6(1) of the principal Rules, there shall be added the words “except any appeal against a decision of a magistrates’ court under section 22(7) or (8) of the Prosecution of Offences Act 1985”.

3. Rule 19 of the principal Rules shall be amended by substituting-

(a) in paragraph (2), for the words “and to the Director of Public Prosecutions, if the prosecution is being carried on by him” the words “and, if the prosecution is being carried on by the Crown Prosecution Service, to the appropriate Crown Prosecutor”; and

(b) in paragraph (3), for the words “Director of Public Prosecutions” the words “appropriate Crown Prosecutor”.

4. Rule 27(2) of the principal Rules shall be amended by inserting, after sub-paragraph (d) thereof, the following sub-paragraphs:-

“(e) hearing applications under subsection (3) of section 22 of the Prosecution of Offences Act 1985 for the extension or further extension of a time limit imposed by regulations made under subsection (1) of that section;

(f) hearing an appeal brought by an accused under subsection (7) of the said section 22 against a decision of a magistrates’ court to extend, or further extend, such a time limit or brought by the prosecution under subsection (8) thereof against a decision of a magistrates’ court to refuse to extend, or further extend, such a time limit.”

5. After rule 27 of the principal Rules there shall be inserted the following rule:-

“Appeals relating to time limits

27A.—(1) This rule applies –

- (a) to any appeal brought by an accused, under subsection (7) of section 22 of the Prosecution of Offences Act 1985, against a decision of a magistrates’ court to extend, or further extend, a time limit imposed by regulations made under subsection (1) of that section; and
- (b) to any appeal brought by the prosecution, under subsection (8) of the said section 22, against a decision of a magistrates’ court to refuse to extend, or further extend, such a time limit.

(2) An appeal to which this rule applies shall be commenced by the appellant’s giving notice in writing of appeal–

- (a) to the clerk to the magistrates’ court which took the decision;
- (b) if the appeal is brought by the accused, to the prosecutor and, if the prosecution is to be carried on by the Crown Prosecution Service, to the appropriate Crown Prosecutor;
- (c) if the appeal is brought by the prosecution, to the accused; and
- (d) to the appropriate officer of the Crown Court.

(3) The notice of an appeal to which this rule applies shall state the date on which the time limit applicable to the case is due to expire and, if the appeal is brought by the accused under section 22(7) of the Prosecution of Offences Act 1985, the date on which the time limit would have expired had the court decided not to extend or further extend the time limit.

(4) On receiving notice of an appeal to which this rule applies, the appropriate officer of the Crown Court shall enter the appeal and give notice of the time and place of the hearing to –

- (a) the appellant;
- (b) the other party to the appeal; and
- (c) the clerk to the magistrates’ court which took the decision.

(5) Without prejudice to the power of the Crown Court to give leave for an appeal to be abandoned, an appellant may abandon an appeal to which this rule applies by giving notice in writing to any person to whom notice of the appeal was required to be given by paragraph (2) not later than the third day preceding the day fixed for the hearing of the appeal:

Provided that, for the purpose of determining whether notice was properly given in accordance with this paragraph, there shall be disregarded any Saturday and Sunday and any day which is specified to be a bank holiday in England and Wales under section 1(1) of the Banking and Financial Dealings Act 1971(a).”.

Dated 20th September 1988

*Mackay of Clashfern, C.
Lane, C.J.
Stephen Brown, P.
Anthony McCowan, J.
D. R. Thompson
Douglas Brown
Richard Lowry
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(a) 1971 c.80.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Crown Court Rules 1982. They make provision for the procedure to be adopted when bringing or abandoning an appeal by an accused or the prosecution, under section 22 of the Prosecution of Offences Act 1985 (c.23), against a decision of a magistrates' court to extend or further extend a time limit imposed under regulations made under that section or to refuse such an extension. The Rules enable applications for extensions or further extensions before a Crown Court or appeals from decisions of magistrates' courts relating to time limits to be heard by a judge of the Crown Court sitting in chambers.

The Rules also amend rule 19 of the 1982 Rules, which governs the procedure on bail applications, so as to refer to the appropriate Crown Prosecutor, instead of the Director of Public Prosecutions, where the prosecution is carried on by the Crown Prosecution Service.