
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules revoke and re-enact with amendments the Criminal Justice Act 1987 (Preparatory Hearings) Rules 1988 in order to—

- (a) reflect amendments to the Criminal Justice Act 1987 made by the Criminal Procedure and Investigations Act 1996;
- (b) make minor amendments to the rules relating to the making of an application for an order for a preparatory hearing, and the making of orders for disclosure by the prosecution or the accused;
- (c) make drafting amendments.

By virtue of rule 2, these Rules come into force on 15th April 1997, and apply in relation to an offence where, on or after that day, the accused is committed for trial for the offence, proceedings for the trial on the charge concerned are transferred to the Crown Court, or a bill of indictment relating to the offence is preferred by direction of the Court of Appeal or by direction or with the consent of a judge.

Rules 3 and 4 regulate the making of applications for preparatory hearings. Rule 5 provides for a time limit for the making of representations to the Crown Court by a party served with a copy of another party's notice of application. Rule 6 provides that an application for a preparatory hearing shall be determined without a hearing unless a judge otherwise directs, and provides for notification of the determination, or of an order for a preparatory hearing made of a judge's own motion, to the parties in the case.

Rule 7 makes provision in relation to an order for disclosure of the prosecution case, and rule 8 makes provision in relation to an order for disclosure of the defence case where the prosecution have complied with their obligation to supply a case statement. Rules 9, 10 and 11 make supplementary provision including provision for the service of documents and for forms to be used in connection with preparatory hearings.

Rule 12 revokes the Criminal Justice Act 1987 (Preparatory Hearings) Rules 1988, save with respect to their application to cases where committal for trial, the giving of notice of transfer of proceedings to the Crown Court under section 4 of the Criminal Justice Act 1987, or the giving of consent by a judge of the High Court to the preferment of a bill of indictment, as referred to in rule 2 of those Rules, occurs prior to the day on which these Rules come into force. It also contains a transitional provision with regard to particulars of alibi.