
STATUTORY INSTRUMENTS

1997 No. 711 (L. 16)

CRIMINAL LAW, ENGLAND AND WALES

The Indictments (Procedure) (Amendment) Rules 1997

Made - - - - *10th March 1997*

Coming into force - - *1st April 1997*

The Lord Chancellor, in exercise of the powers conferred on him by section 2(6) of the Administration of Justice (Miscellaneous Provisions) Act 1933(1), hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Indictments (Procedure) (Amendment) Rules 1997 and shall come into force on 1st April 1997.

Interpretation

2. In these Rules—

“the 1971 Rules” means the Indictments (Procedure) Rules 1971(2);

“the 1980 Act” means the Magistrates' Courts Act 1980(3);

“the 1996 Act” means the Criminal Procedure and Investigations Act 1996(4).

Transitional Provisions

3. In any case where—

(a) committal proceedings have taken place before the coming into force of these Rules, or

(b) the committal proceedings are not ones to which Schedules 1 and 2 to the 1996 Act apply,

“committal documents” shall mean the depositions made and other evidence tendered at those proceedings, whether or not they would have fallen within section 5A(3) of the 1980 Act.

(1) 1933 c. 36.

(2) S.I. 1971/2084, as amended by S.I. 1983/284, 1988/1738 and 1992/2197.

(3) 1980 c. 43; section 5A(3) was inserted by section 47 of and Schedule 1 to the 1996 Act.

(4) 1996 c. 25.

Amendments to the 1971 Rules

4. Subject to rule 3 of these Rules, the 1971 Rules shall be amended in accordance with the following provisions of these Rules and a reference to a rule by number alone refers to the rule so numbered in the 1971 Rules.

5. In rule 2, the following shall be substituted for the definition of “depositions”, including the proviso:—

““committal documents” means evidence falling within section 5A(3) of the Magistrates' Courts Act 1980 and tendered at any committal proceedings:

Provided that any requirement of these Rules that an application should be accompanied by a copy of any committal documents shall, as respects documents mentioned in paragraphs (b) and (d) of section 5A(3) of the Magistrates' Courts Act 1980, be satisfied if a copy of such parts only of those documents as are, in the opinion of the applicant, material, accompanies the application, and the application contains an express statement to that effect.”

6. In rule 9 for the word “depositions”, wherever it occurs, there shall be substituted “committal documents”.

7. For rule 11, there shall be substituted the following:—

“It shall be the duty of any person in charge of any committal documents to give to any person desiring to make an application for leave to prefer a bill of indictment against a person in respect of whom committal proceedings have taken place, a reasonable opportunity to inspect the committal documents and, if so required by him, to supply him with copies of the documents or any part thereof.”

Dated 10th March 1997

Mackay of Clashfern ,C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make consequential amendments to the Indictments (Procedure) Rules 1971 as a result of the changes to procedure at committal proceedings effected by amendments to the Magistrates' Courts Act 1980 made by the Criminal Procedure and Investigations Act 1996. Rules 2, 9 and 11 of the 1971 Rules are amended to replace the references to “depositions” (which now have a more specific meaning as a result of the changes) with the term “committal documents”.