
STATUTORY INSTRUMENTS

2004 No. 2993

The Magistrates' Courts (Amendment) Rules 2004

Magistrates' Courts Rules 1981

- 2.—(1) The Magistrates' Courts Rules 1981(1) are amended as follows.
(2) After rule 72 there is inserted—

“Procedure for the admission of evidence of bad character

72A.—(1) A party who wants to introduce evidence of a non-defendant's bad character or who wants to cross-examine a witness with a view to eliciting that evidence, under section 100 of the Criminal Justice Act 2003 (“the 2003 Act”), must apply in the prescribed form and the application must be received by the justices' chief executive and all other parties to the proceedings—

- (a) not more than 14 days after the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigation Act 1996(2) (disclosure by the prosecutor); or
- (b) as soon as reasonably practicable, where the application concerns a non-defendant who is to be invited to give (or has given) evidence for a defendant.

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

(3) A prosecutor who wants to introduce evidence of a defendant's bad character or who wants to cross-examine a witness with a view to eliciting such evidence, under section 101 of the 2003 Act (defendant's bad character), must give notice in the prescribed form to the justices' chief executive and all other parties to the proceedings at the same time as he complies or purports to comply with section 3 of the Criminal Procedure and Investigations Act 1996.

(4) A co-defendant who wants to introduce evidence of a defendant's bad character or who wants to cross-examine a witness with a view to eliciting that evidence, under section 101 of the 2003 Act, must give notice in the prescribed form to the justices' chief executive and all other parties to the proceedings not more than 14 days after the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996.

(5) A defendant's application to exclude bad character evidence must be in the prescribed form and received by the justices' chief executive and all other parties to the proceedings not more than 7 days after receiving a notice under paragraph (3) or (4).

(6) A defendant entitled to receive a notice under this rule may waive his entitlement by so informing the magistrates' court and the party who would have given the notice.

(7) The magistrates' court may—

(1) S.I. 1981/552, to which there are amendments not relevant to these Rules.

(2) 1996 c. 25; section 3 was amended by section 82(1) of and paragraph 7(1) of Schedule 4 to the Regulation of Investigatory Powers Act 2000 (c. 23); and prospectively amended by section 32 of the Criminal Justice Act 2003 (c. 44).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) allow a notice or application required under this rule to be given in a different form, or orally; or
 - (b) shorten a time-limit under this rule or extend it even after it has expired, if it is in the interests of justice to do so.
- (8) Where this rule requires a notice or application to be given or sent it may, with the consent of the addressee, be sent by fax or other means of electronic communication.”.