

2010 No. 214

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Procedure and Investigations Act 1996
(Notification of Intention to Call Defence Witnesses) (Time
Limits) Regulations 2010**

<i>Made</i>	- - - -	<i>3rd February 2010</i>
<i>Laid before Parliament</i>		<i>5th February 2010</i>
<i>Coming into force</i>	- -	<i>1st May 2010</i>

The Secretary of State, in exercise of the powers conferred by sections 12 and 77(2) of the Criminal Procedure and Investigations Act 1996(a), makes the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations—

- (a) may be cited as the Criminal Procedure and Investigations Act 1996 (Notification of Intention to Call Defence Witnesses) (Time Limits) Regulations 2010;
- (b) come into force on 1st May 2010; and
- (c) extend to England and Wales only.

(2) In these Regulations, “the Act” means the Criminal Procedure and Investigations Act 1996.

Time limits

2. Subject to regulations 3 and 4, the relevant period for section 6C of the Act (notification of intention to call defence witnesses) is the period beginning with the day on which the prosecutor complies, or purports to comply, with section 3 of the Act and ending with the expiration of 14 days from that day (“the relevant period”).

3.—(1) The court may by order extend (or further extend) the relevant period by so many days as the court specifies.

(2) The court may only make such an order—

- (a) on an application by the accused; and
- (b) if it is satisfied that it would be unreasonable to require the accused to give notice under section 6C of the Act within the relevant period.

(3) Such an application must—

- (a) be made within the relevant period;
- (b) specify the grounds on which it is made; and

(c) state the number of days by which the accused wishes the relevant period to be extended.

(4) There is no limit on the number of applications that may be made under paragraph (2).

4.—(1) Where the relevant period would expire on any of the days specified in paragraph (2), the relevant period is treated as expiring on the next day that is not one of those days.

(2) The days referred to in paragraph (1) are Saturday, Sunday, Christmas Day, Good Friday and any day that under the Banking and Financial Dealings Act 1971(a) is a bank holiday in England and Wales.

Signed by the authority of the Secretary of State

Claire M Ward
Parliamentary Under Secretary of State
Ministry of Justice

3rd February 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England and Wales only, prescribe the relevant period for the purposes of section 6C of the Criminal Procedure and Investigations Act 1996 (c. 25) (“the Act”). That period is the period within which the accused in criminal proceedings must give notice of his intention to call any person, other than him or herself, as a witness at trial.

Regulation 2 provides for the “relevant period” to begin on the day the prosecutor complies, or purports to comply, with section 3 of the Act (initial duty of prosecutor to disclose) and to expire 14 days from that day, subject to regulations 3 and 4.

Regulation 3 provides for the extension of the relevant period by the court, on application by the accused, if the court is satisfied that the accused could not reasonably have given notification within the relevant period. There is no limit on the number of days by which the relevant period may be extended or the number of applications for extensions that may be made.

Regulation 4 provides for any relevant period that ends on specified days such as weekends and bank holidays to be treated as expiring on the next day that is not one of those specified days.

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(a) 1971 c. 80.

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