
STATUTORY INSTRUMENTS

2012 No. 1726

The Criminal Procedure Rules 2012

PART 11

**TRANSFER FOR TRIAL OF SERIOUS FRAUD
CASES OR CASES INVOLVING CHILDREN**

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Interpretation of this Part

11.1.—(1) In this Part, ‘notice of transfer’ means a notice referred to in section 4(1) of the Criminal Justice Act 1987(1) or section 53(1) of the Criminal Justice Act 1991(2).

(2) Where this Part requires a document to be given or sent, or a notice to be communicated in writing, it may, with the consent of the addressee, be sent by electronic communication.

(3) Electronic communication means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

- (a) by means of an electronic communications network (within the meaning of the Communications Act 2003(3)); or
- (b) by other means but while in an electronic form.

[Note. See also sections 4 and 5 of the Criminal Justice Act 1987 and section 53 of, and Schedule 6 to, the Criminal Justice Act 1991. On the coming into force of Schedule 3 to the Criminal Justice Act 2003(4), those provisions will be replaced with sections 51B and 51C of the

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- (1) 1987 c. 38; section 4(1) was amended by section 144 of the Criminal Justice Act 1988 (c. 33), section 45 of, and paragraph 22 of Schedule 5 to, the Legal Aid Act 1988 (c. 34), paragraph 29 of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33), and paragraphs 38 and 39 of Schedule 4 to the Access to Justice Act 1999 (c. 22). It is further amended by paragraphs 34 and 35 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), with effect from a date to be appointed. It is repealed by paragraph 58 of Schedule 3, and Part 4 of Schedule 37, to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320) and otherwise with effect from a date to be appointed.
- (2) 1991 c. 53; section 53(1) was amended by paragraph 49 of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33). It is repealed by Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320) and otherwise with effect from a date to be appointed.
- (3) 2003 c. 21.
- (4) 2003 c. 44.

Crime and Disorder Act 1998(5), which are to similar effect. For the duties of the prosecuting authority see The Criminal Justice Act 1987 (Notice of Transfer) Regulations 1988(6) and The Criminal Justice Act 1991 (Notice of Transfer) Regulations 1992(7).]

Transfer on bail

11.2.—(1) Where a person in respect of whom notice of transfer has been given—

- (a) is granted bail under section 5(3) or (7A) of the Criminal Justice Act 1987(8) by the magistrates' court to which notice of transfer was given; or
- (b) is granted bail under paragraph 2(1) or (7) of Schedule 6 to the Criminal Justice Act 1991(9) by the magistrates' court to which notice of transfer was given,
the magistrates' court officer shall give notice thereof in writing to the governor of the prison or remand centre to which the said person would have been committed by that court if he had been committed in custody for trial.

(2) Where notice of transfer is given under section 4(1) of the 1987 Act in respect of a corporation the magistrates' court officer shall give notice thereof to the governor of the prison to which would be committed a male over 21 committed by that court in custody for trial.

[Note. For bail generally, see Part 19.]

Notice where person removed to hospital

11.3. Where a transfer direction has been given by the Secretary of State under section 47 or 48 of the Mental Health Act 1983(10) in respect of a person remanded in custody by a magistrates' court and, before the direction ceases to have effect, notice of transfer is given in respect of that person, the magistrates' court officer shall give notice thereof in writing—

- (a) to the governor of the prison to which that person would have been committed by that court if he had been committed in custody for trial; and
- (b) to the managers of the hospital where he is detained.

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- (5) 1998 c. 37; sections 51B and 51C are inserted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320), and otherwise with effect from a date to be appointed. Section 51B was amended by section 50 of, and paragraph 69 of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11). It is further amended by paragraphs 46 and 48 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), with effect from a date to be appointed. Section 51C was modified by section 63 of, and paragraph 36 of Schedule 6 to, the Serious Crime Act 2007 (c. 27).
 - (6) S.I. 1988/1691.
 - (7) S.I. 1992/1670, amended by SI 1998/461.
 - (8) 1987 c. 38; section 5(7A) was inserted by section 144 of the Criminal Justice Act 1988 (c. 33). It is repealed by paragraph 58 of Schedule 3, and Part 4 of Schedule 37, to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320) and otherwise with effect from a date to be appointed.
 - (9) 1991 c. 53; paragraph 2(1) of Schedule 6 was amended by section 168(2) of, and paragraph 71 of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33) and section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4). Schedule 6 is repealed by Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320) and otherwise with effect from a date to be appointed.
 - (10) 1983 c. 20; section 47 was amended by sections 49(3) and 56(2) of, and Schedule 6 to, the Crime (Sentences) Act 1997 (c. 43), section 58 of, and paragraph 18 of Schedule 10 to, the Domestic Violence, Crime and Victims Act 2004 (c. 28) and sections 1, 4 and 55 of, and paragraphs 1 and 10 of Schedule 1 and Part 1 of Schedule 11 to, the Mental Health Act 2007 (c. 12). Section 48 was amended by section 62 of the Nationality, Immigration and Asylum Act 2002 (c. 41), the Statute Law (Repeals) Act 2004 (c. 14) and section 5 of, and paragraphs 1 and 11 of Schedule 1 to the Mental Health Act 2007 (c. 12). It is further amended by Part II of Schedule 7 and paragraphs 72 and 73 of Schedule 8 to, the Criminal Justice and Court Services Act 2000 (c. 43), with effect from a date to be appointed.

Variation of arrangements for bail

11.4.—(1) A person who intends to make an application to a magistrates' court under section 3(8) of the Bail Act 1976(**11**) as that subsection has effect under section 3(8A) of that Act(**12**) shall give notice thereof in writing to the magistrates' court officer, and to the designated authority or the defendant, as the case may be, and to any sureties concerned.

(2) Where, on an application referred to in paragraph (1), a magistrates' court varies or imposes any conditions of bail, the magistrates' court officer shall send to the Crown Court officer a copy of the record made in pursuance of section 5 of the 1976 Act relating to such variation or imposition of conditions.

Documents to be sent to the Crown Court

11.5. As soon as practicable after a magistrates' court to which notice of transfer has been given has discharged the functions reserved to it under section 4(1) of the Criminal Justice Act 1987 or section 53(3) of the Criminal Justice Act 1991(**13**), the magistrates' court officer shall send to the Crown Court officer—

- (a) a list of the names, addresses and occupations of the witnesses;
- (b) a copy of the record made in pursuance of section 5 of the Bail Act 1976 relating to the grant of withholding of bail in respect of the accused;
- (c) any recognizance entered into by any person as surety for the accused together with a statement of any enlargement thereof;
- (d) a copy of any representation order previously made in the case; and
- (e) a copy of any application for a representation order previously made in the case which has been refused.

(11) 1976 c. 63; section 3(8) was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45) and is further amended by paragraph 48 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), commenced in part, for certain purposes and in relation to certain local justice areas (see S.I. 2012/1320), and otherwise with effect from a date to be appointed.

(12) 1976 c. 63; section 3(8A) was inserted by section 15 of, and paragraph 9 of Schedule 2 to, the Criminal Justice Act 1987 (c. 38) and amended by section 168 of, and paragraph 12 of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c. 33). It is repealed by paragraph 48 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320) and otherwise with effect from a date to be appointed.

(13) 1991 c. 53; section 53(3) was amended by paragraph 49 of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33) and paragraph 47 of Schedule 4 to the Access to Justice Act 1999 (c. 22). It is further amended by paragraph 40 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), with effect from a date to be appointed. It is repealed by Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320) and otherwise with effect from a date to be appointed.