
STATUTORY INSTRUMENTS

2021 No. 91

CRIMINAL LAW, ENGLAND AND WALES

**The Prosecution of Offences (Custody Time Limits)
(Coronavirus) (Amendment) Regulations 2021**

<i>Made</i>	- - - -	<i>27th January 2021</i>
<i>Laid before Parliament</i>		<i>29th January 2021</i>
<i>Coming into force</i>	- -	<i>19th February 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 22(1), 22(2) and 29(2) of the Prosecution of Offences Act 1985(1).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2021 and come into force on 19th February 2021.

(2) In these Regulations—

“the 1987 Regulations” means the Prosecution of Offences (Custody Time Limits) Regulations 1987(2);

“the 2020 Regulations” means the Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2020(3).

Amendment of the 2020 Regulations

2.—(1) The 2020 Regulations are amended as follows.

(2) After regulation 1 (citation, commencement, expiry and interpretation) insert—

(1) 1985 c. 23; section 22(2) was amended by section 43(1) of the Crime and Disorder Act 1998 (c. 37). Section 29(2) was amended by Schedule 7, Part 1, paragraph 8(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).
(2) S.I. 1987/299; regulation 5 was amended by section 71(4)(c) and Schedule 5, paragraph 2 of the Criminal Procedure and Investigations Act 1996 (c. 25); relevant amending instruments are S.I. 1989/767, 1991/1515, 2000/3284, 2012/1344, 2020/953.
(3) S.I. 2020/953.

“Exclusion of accused persons under 18 years of age

1A. These Regulations do not apply to an accused subject to a custody time limit provided in regulation 5 (custody time limits in the Crown Court) of the 1987 Regulations who is under 18 years of age when in custody for the first time in relation to an offence.”

(3) At the beginning of paragraph (2) of regulation 3 (transitional and saving provisions) insert “Subject to regulation 1A (exclusion of accused persons under 18 years of age),”.

Transitional provision

3. The amendments made by regulation 2 (amendment of the 2020 Regulations) apply to an accused subject to a custody time limit provided in regulation 5 of the 1987 Regulations who is or was in custody for the first time in relation to an offence on or after the date on which the 2020 Regulations came into force and who was under 18 years of age when in custody for the first time in relation to that offence.

27th January 2021

Robert Buckland
Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by sections 22(1), 22(2) and 29(2) of the Prosecution of Offences Act 1985 (c. 23) (“the 1985 Act”). The purpose of these Regulations is to exclude accused persons under 18 years of age from the increase in custody time limits, for those awaiting trial in the Crown Court, provided for by the Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/953) (“the 2020 Regulations”).

Regulation 2(2) amends the 2020 Regulations so that the increase in custody time limits does not apply to accused persons who are subject to a custody time limit under regulation 5 of the Prosecution of Offences (Custody Time Limits) Regulations 1987 (S.I. 1987/299) and are under 18 years of age when in custody for the first time in relation to an offence. Regulation 2(3) amends regulation 3(2) of the 2020 Regulations to disapply this provision in respect of those accused persons subject to the new regulation 1A.

Regulation 3 is a transitional provision which sets out that the amendments of the 2020 Regulations made by regulation 2 apply to all accused persons under 18 years of age who are or were in custody for the first time in relation to an offence on or after 28th September 2020, the date on which the 2020 Regulations came into force. Regulation 3 is based on the exercise of the power conferred by section 22(2)(e) of the 1985 Act.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.