

Fraud (Trials without a Jury) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office, are published separately as Bill 6 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary John Reid has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Fraud (Trials without a Jury) Bill are compatible with the Convention rights.

Fraud (Trials without a Jury) Bill

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Make amendments of and in relation to section 43 of the Criminal Justice Act 2003.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Commencement of section 43 of the Criminal Justice Act 2003

Section 330(5)(b) of the Criminal Justice Act 2003 (c. 44) (commencement by the affirmative procedure of section 43 of that Act, under which the prosecution may apply for a fraud trial to be conducted without a jury) is repealed.

2 Jurisdiction under section 43 of the Criminal Justice Act 2003

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(1) In section 43(2) of the Criminal Justice Act 2003 (application by prosecution for a fraud trial to be conducted without a jury), for “a judge of the Crown Court” substitute “a judge of the High Court exercising the jurisdiction of the Crown Court”.

(2) In section 48 of that Act (further provision about trials without a jury), for subsection (1) substitute—

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- “(1) The effect of an order under section 43 is that the trial to which the order relates is to be conducted—
 - (a) without a jury, and
 - (b) by a judge of the High Court exercising the jurisdiction of the Crown Court.

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(1A) The effect of an order under section 44 or 46(5) is that the trial to which the order relates is to be conducted without a jury.”

3 Section 43 of the Criminal Justice Act 2003: Northern Ireland

(1) In section 50 of the Criminal Justice Act 2003 (application of Part 7 of that Act to Northern Ireland), in subsection (1)(b), for “(3)” substitute “(2A)”.

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(2) After subsection (2) of that section insert—

“(2A) For section 43(1)(b) substitute—

“(b) a notice of transfer relating to that offence or those offences has been given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846) (notices in serious and complex fraud cases).”

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4 Commencement, extent and short title

(1) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.

(2) This Act extends to England and Wales and to Northern Ireland.

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(3) This Act may be cited as the Fraud (Trials without a Jury) Act 2007.

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To make amendments of and in relation to section 43 of the Criminal Justice Act 2003.

*Presented by Secretary John Reid supported by
The Prime Minister, Mr Secretary Prescott,
Mr Chancellor of the Exchequer,
Secretary Margaret Beckett, Ms Secretary Hewitt,
The Solicitor General and Joan Ryan.*

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