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FRIDAY, 30 DECEMBER, 1938

At the Court at *Buckingham Palace*, the 20th day of *December*, 1938.

PRESENT,

The KING'S Most Excellent Majesty in Council.

WHEREAS by section eleven of the Administration of Justice (Miscellaneous Provisions) Act, 1938, the High Court is empowered to direct that any indictment or inquisition shall be tried at bar in the King's Bench Division or before three judges of the Central Criminal Court, or that any indictment found by a grand jury of the county of London and county of Middlesex shall be tried at the Central Criminal Court, or that any indictment or inquisition shall be tried at a different court of assize or quarter sessions from the court at which it would have been tried but for the direction:

And whereas by subsection (5) of the said section His Majesty is empowered by Order in Council to make such provisions as to the matters specified in that subsection as seem necessary or expedient for the purposes of the foregoing provisions of that section:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. Where by virtue of any direction given under the said section eleven any indictment or inquisition is to be tried in the King's Bench Division of the High Court or at the Central Criminal Court or at a different court of assize or quarter sessions as aforesaid—

(a) the court shall have jurisdiction for all purposes connected with the trial as though the offence had been committed in the place for which the court is held;

(b) where judgment of death has been passed at any such trial, the sheriff who would, if the direction had not been given, have been charged with the execution of the judgment, shall be charged with the execution of the judgment and may carry the judgment into execution in any prison which is the common gaol of his county or in which the convict was confined for the purpose of safe custody before his removal to the place where the court was held and shall, for the purposes of the execution, have the same jurisdiction in the prison and over the officers of the prison and be subject to the same responsibility and duties as though he were the sheriff of the place for which the assize was held within the meaning of the Sheriffs' Act, 1887:

Provided that nothing herein shall affect the provisions of subsection (5) of section two of the Central Criminal Court (Prisons) Act, 1881;

(c) all indictments, inquisitions, recognizances, depositions, exhibits or other relevant documents shall be transmitted to the court at which the person is to be tried;

(d) all recognizances transmitted as aforesaid shall have effect with the substitution for any references for the court at which the trial would be held but for the direction of references to the court at which the trial is to be held, and shall be amended accordingly, and any commissions, writs, precepts, indictments, inquisitions, depositions, exhibits or other relevant documents shall be amended so far as may be necessary in consequence of the change of the court of trial.

2. This order may be cited as the Criminal Proceedings (Change of Venue) Order, 1938.

E. C. E. Leadbitter.