

**2011 No. 3075 (L. 22)**

**SENIOR COURTS OF ENGLAND AND WALES  
MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Criminal Procedure (Amendment) Rules 2011**

<i>Made</i> - - - -	<i>20th December 2011</i>
<i>Laid before Parliament</i>	<i>4th January 2012</i>
<i>Coming into force</i> - -	<i>2nd April 2012</i>

The Criminal Procedure Rule Committee makes the following Rules under section 69 of the Courts Act 2003(a), after consulting in accordance with section 72(1)(a) of that Act.

**Citation, commencement and interpretation**

1. These Rules may be cited as The Criminal Procedure (Amendment) Rules 2011 and shall come into force on 2nd April 2012.

2. In these Rules, a reference to a Part or rule by number alone means the Part or rule so numbered in The Criminal Procedure Rules 2011(b).

**Amendments to the Criminal Procedure Rules 2011**

3. In Part 2 (Understanding and applying the Rules)—

(a) in rule 2.1 (When the Rules apply), after paragraph (3) insert—

“(4) Rule 9.6, and the rules in Section 3 of Part 9 (Allocation and sending for trial), apply only where there have come into force the amendments made by Schedule 3 to the Criminal Justice Act 2003(c) (Allocation of cases triable either way, and sending cases to the Crown Court, etc.) which confer the powers to which those rules apply.”; and

(b) in rule 2.3 (References to Acts of Parliament and to Statutory Instruments)—

(i) for ‘The Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 1997(d)’ substitute ‘The Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 2011(e)’, and

(ii) for ‘the 1997 Regulations’ substitute ‘the 2011 Regulations’.

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(a) 2003 c. 39; section 69 was amended by sections 15(1) and 146 of, and paragraphs 308 and 332 of Schedule 4 and Part 2 of Schedule 18 to, the Constitutional Reform Act 2005 (c. 4).

(b) S.I. 2011/1709.

(c) 2003 c. 44; Schedule 3 was amended by sections 53 and 149 of, and paragraphs 1 to 10 of Schedule 13 and Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4) and section 378 of, and Schedule 17 to, the Armed Forces Act 2006 (c. 52). It is further amended by section 149 of, and Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4) and Schedule 23 to the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.

(d) S.I. 1997/684.

(e) S.I. 2011/209.

**4.** In Part 3 (Case management)—

- (a) in rule 3.5 (The court’s case management powers), for paragraph (2)(h) substitute—
- “(h) require that issues in the case should be—
- (i) identified in writing,
  - (ii) determined separately, and decide in what order they will be determined;”;
- and
- (b) in the note at the end of the Part—
- (i) under the heading ‘*Criminal Procedure Rules*’, omit the entry for rule 12.2, and
  - (ii) under the heading ‘*Regulations*’, for ‘*The Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 1997*’ substitute ‘*The Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 2011*’.

**5.** In the note to rule 6.1 (When this Part applies), for the fourth paragraph substitute—

“*Under section 8 of the Senior Courts Act 1981(a), a High Court judge, a Circuit judge, a Recorder, a qualifying judge advocate and a District Judge (Magistrates’ Courts) each may act as a Crown Court judge.*”.

**6.** In Part 9, insert the Part set out in the Schedule to these Rules.

**7.** Omit Part 12 (Sending for trial).

**8.** In paragraph (2) of rule 13.2 (Written notice of oral application for dismissal) and in paragraph (4) of rule 13.3 (Written application for dismissal), for ‘14 days’, in each place it occurs, substitute ‘28 days’.

**9.** In the note to rule 16.1 (When this Part applies), for ‘*paragraph 3 of Schedule 3 to the Crime and Disorder Act 1998(b) (sending for trial proceedings)*’ substitute ‘*section 52A of, and paragraph 3 of Schedule 3 to, the Crime and Disorder Act 1998(c) (allocation and sending for trial proceedings)*’.

**10.** In the note to rule 21.1 (When this Part applies), for ‘*Part 12*’ substitute ‘*Part 9*’.

**11.** In rule 37.8 (Written guilty plea: special rules), for paragraph (4) substitute—

- “(4) If the defendant does not withdraw the notice before the hearing date, then on or after that date—
- (a) to establish the facts of the offence and other information about the defendant, the court may take account only of the material and any representations served under this rule (and rule 37.10(3) to (9) inclusive must be read accordingly);
  - (b) unless the court otherwise directs, the prosecutor need not attend; and
  - (c) the court may accept such a guilty plea and pass sentence in the defendant’s absence.”.

**12.** In Part 50 (Civil behaviour orders after verdict or finding)—

- (a) in rule 50.2 (Behaviour orders: general rules), for paragraph (1)(a) substitute—
- “(a) to consider—

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(a) 1981 c. 54; section 8 was amended by sections 65 and 109 of, and paragraph 259 of Schedule 8 to, the Courts Act 2003 (c. 39). It is further amended by paragraph 1 of Schedule 2 to the Armed Forces Act 2011 (c. 18), with effect from a date to be appointed. The 1981 Act’s title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(b) 1998 c. 37; paragraph 3 of Schedule 3 was amended by section 24 of, and paragraphs 53 and 55 of Schedule 4 to, the Access to Justice Act 1999 (c. 22) and is amended by paragraphs 68 and 71 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.

(c) 1998 c. 37; section 52A is inserted by paragraphs 15 and 19 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

- (i) what order is proposed and why, and
  - (ii) the evidence in support;” and
- (b) for rule 50.4 (Evidence to assist the court: special rules), substitute—
- “**50.4.**—(1) This rule applies where the court can make on its own initiative—
- (a) a football banning order;
  - (b) a restraining order;
  - (c) an anti-social behaviour order; or
  - (d) a drinking banning order.
- (2) A party who wants the court to take account of evidence not already introduced must—
- (a) serve notice in writing on—
    - (i) the court officer, and
    - (ii) every other party,
 as soon as practicable (without waiting for the verdict);
  - (b) in the notice, identify that evidence; and
  - (c) attach any written statement containing such evidence.”.

- 13.** In Part 57 (Proceeds of Crime Act 2002: rules applicable to all proceedings)—
- (a) in the table of contents, omit the entry for rule 57.12 (Service by an alternative method);
  - (b) in rule 57.1 (Interpretation), omit the definition of business day;
  - (c) in rule 57.11 (Service of documents)—
    - (i) in paragraph (1), omit ‘Part 4 and’,
    - (ii) omit paragraphs (2) and (3), and
    - (iii) in paragraph (4), for ‘this rule’ substitute ‘Part 4 of these Rules’;
  - (d) omit rule 57.12 (Service by an alternative method); and
  - (e) in rule 57.14 (Certificates of service), in paragraph (2)(c), for ‘57.12’ substitute ‘4.9’.

**14.** In rule 58.12 (Payment of money in bank or building society account in satisfaction of confiscation order), omit paragraphs (2) and (3).

**15.** In rule 62.9 (Initial procedure on failure to comply with court order, etc.), in paragraph (1)(a)(i), for ‘a restraint order’ substitute ‘restraint order or ancillary order’.

- 16.** In rule 63.10 (Constitution of the Crown Court)—
- (a) in paragraph (a)(i), for ‘or a Recorder’ substitute ‘, a Recorder or a qualifying judge advocate’; and
  - (b) at the end of the note to the rule, add—

*“Under section 8(1A) of the Senior Courts Act 1981(a), a qualifying judge advocate may not exercise the jurisdiction of the Crown Court on an appeal from a youth court.”.*

**17.** In the note to rule 69.1 (When this Part applies), for the second paragraph substitute—

*“See also Part 16 (Reporting, etc. restrictions) and Part 29 (Measures to assist a witness or defendant to give evidence).”.*

**18.** From the Glossary at the end of The Criminal Procedure Rules 2011, omit the entries for ‘advance information’, ‘complaint’, ‘evidence in chief’ and ‘in camera’.

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(a) 1981 c. 54; section 8(1A) is inserted by paragraph 1 of Schedule 2 to the Armed Forces Act 2011 (c. 18), with effect from a date to be appointed.

19. In the Arrangement of Rules contained in The Criminal Procedure Rules 2011—

- (a) in the entry for Part 9, insert ‘Allocation and sending for trial’; and
- (b) omit the entry for Part 12 (Sending for trial).

*Judge, C.J.*

*Hooper, L.J.*

*Thomas, P.*

*Openshaw, J.*

*Charles Wide*

*Anna Guggenheim*

*Stephen Earl*

*Nicholas Moss*

*Tessa Szagun*

*Keir Starmer*

*Patrick Gibbs*

*Nathaniel Rudolf*

*Michael Caplan*

*Paul Harris*

*James Barker-McCardle*

*Jeremy Corbett*

*James Riches*

I allow these Rules, which shall come into force on 2nd April 2012.

20th December 2011

*Kenneth Clarke*  
Lord Chancellor

# SCHEDULE

Rule 6

## “PART 9

### ALLOCATION AND SENDING FOR TRIAL

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#### SECTION 1: GENERAL RULES

##### When this Part applies

**9.1.**—(1) This Part applies to the allocation and sending of cases for trial under—

- (a) sections 17A to 26 of the Magistrates’ Courts Act 1980(a); and
- (b) sections 50A to 52 of the Crime and Disorder Act 1998(b).

(2) Section 2 of this Part applies in a magistrates’ court where the court must, or can, send a defendant to the Crown Court for trial, without allocating the case for trial there.

(3) Section 3 of this Part applies in a magistrates’ court where the court must allocate the case to a magistrates’ court or to the Crown Court for trial.

(4) Section 4 of this Part applies in the Crown Court, where a defendant is sent for trial there.

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(a) 1980 c. 43; sections 17A, 17D, 17E, 18 to 21 and 23 to 26 are inserted or amended by Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(b) 1998 c. 37; sections 50A to 52 are inserted or amended by Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

*[Note. A magistrates' court's powers to send a defendant to the Crown Court for trial are contained in section 51 of the Crime and Disorder Act 1998(a). On the coming into force of Schedule 3 to the Criminal Justice Act 2003(b)—*

- (a) section 51 of the 1998 Act will allow a magistrates' court to send a wider range of offences for Crown Court trial;*
- (b) section 51A of that Act(c), and section 24A of the Magistrates' Courts Act 1980(d), will allow the court, in a wider range of circumstances, to send for Crown Court trial a defendant who is under 18 (in the place of committal for trial); and*
- (c) section 19 of the 1980 Act(e), as substituted by the 2003 Act, will require the court to allocate to a magistrates' court or to the Crown Court for trial a case which could be tried in either court (again, in the place of committal for trial).*

*The exercise of the court's powers is affected by—*

- (a) the classification of the offence (and the general rule, subject to exceptions, is that an offence classified as triable on indictment exclusively must be sent for Crown Court trial; an offence classified as triable only summarily must be tried in a magistrates' court; and an offence classified as triable either on indictment or summarily must, when Schedule 3 to the 2003 Act comes into force, be allocated to one or the other court for trial: see in particular sections 50A, 51 and 51A of the 1998 Act(f), as added and substituted by the 2003 Act);*
- (b) the defendant's age (and the general rule, subject to exceptions, is that an offence alleged against a defendant under 18 must be tried in a magistrates' court sitting as a youth court: see in particular sections 24 and 24A of the 1980 Act(g), as added and substituted by the 2003 Act);*
- (c) whether the defendant is awaiting Crown Court trial for another offence;*
- (d) whether another defendant, charged with the same offence, is awaiting Crown Court trial for that offence; and*
- (e) in some cases (destroying or damaging property; aggravated vehicle taking), whether the value involved is more or less than £5,000.*

*The court's powers of sending and allocation, including its powers (i) to receive a defendant's indication of an intention to plead guilty (see rules 9.7, 9.8 and 9.13) and (ii) to*

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- (a) 1998 c. 37; section 51 was amended by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) for certain purposes (see S.I. 2005/950), and for remaining purposes with effect from a date to be appointed. It was further amended by paragraph 1 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4).*
  - (b) 2003 c. 44; Schedule 3 was amended by sections 53 and 149 of, and paragraphs 1 to 10 of Schedule 13 and Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4) and section 378 of, and Schedule 17 to, the Armed Forces Act 2006 (c. 52). It is further amended by section 149 of, and Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4) and Schedule 23 to the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.*
  - (c) 1998 c. 37; section 51A was inserted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) for certain purposes (see S.I. 2005/950), and for remaining purposes with effect from a date to be appointed. It was amended by section 49 of, and paragraph 5 of Schedule 1 to, the Violent Crime Reduction Act 2006 (c. 38).*
  - (d) 1980 c. 43; section 24A is inserted by paragraphs 1 and 10 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.*
  - (e) 1980 c. 43; section 19 was amended by section 31 of, and paragraph 2 of Schedule 1 to, the Prosecution of Offences Act 1985 (c. 23), sections 49 and 80 of, and Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25) and paragraph 88 of Schedule 16 to the Armed Forces Act 2006 (c. 52). It is further amended by paragraphs 1 and 5 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) and by sections 144, 177 and 178 of, and paragraph 4 of Schedule 17, paragraph 80 of Schedule 21 and Part 5 of Schedule 23 to, the Coroners and Justice Act 2009 (c. 25) with effect from a date to be appointed.*
  - (f) 1998 c. 37; section 50A is inserted by paragraphs 15 and 17 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.*
  - (g) 1980 c. 43; section 24 was amended by paragraph 47 of Schedule 14 to the Criminal Justice Act 1982 (c. 48), sections 17, 68 and 101 of, and paragraph 6 of Schedule 8 and Schedule 13 to, the Criminal Justice Act 1991 (c. 53), paragraph 40 of Schedule 10, and Schedule 11, to the Criminal Justice and Public Order Act 1994 (c. 33), sections 47 and 119 of, and paragraph 40 of Schedule 8, to the Crime and Disorder Act 1998 (c. 37), paragraph 64 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 42 of the Criminal Justice Act 2003 (c. 44) and sections 49 and 65 of, and paragraph 1 of Schedule 1 and Schedule 5 to, the Violent Crime Reduction Act 2006 (c. 38). It is further amended by paragraphs 1 and 9 of Schedule 3, and Part 4 of Schedule 37, to the Criminal Justice Act 2003 (c. 44), and Part 4 of Schedule 28 to the Criminal Justice and Immigration Act 2008 (c. 4), with effect from a date to be appointed.*

*give an indication of likely sentence (see rule 9.11), may be exercised by a single justice: see sections 51 and 51A(11) of the 1998 Act, and sections 17E, 18(5) and 24D of the 1980 Act(a).]*

### **Exercise of magistrates' court's powers**

**9.2.**—(1) This rule applies to the exercise of the powers to which Sections 2 and 3 apply.

(2) The general rule is that the court must exercise its powers at a hearing in public, but it may exercise any power it has to—

- (a) withhold information from the public; or
- (b) order a hearing in private.

(3) The general rule is that the court must exercise its powers in the defendant's presence, but it may exercise the powers to which the following rules apply in the defendant's absence on the conditions specified—

- (a) where rule 9.8 (adult defendant: request for plea), rule 9.9 (adult defendant: guilty plea) or rule 9.13 (young defendant) applies, if—
  - (i) the defendant is represented, and
  - (ii) the defendant's disorderly conduct makes his or her presence in the courtroom impracticable;
- (b) where rule 9.10 (adult defendant: not guilty plea) or rule 9.11 (adult defendant: allocation for magistrates' court trial) applies, if—
  - (i) the defendant is represented and waives the right to be present, or
  - (ii) the defendant's disorderly conduct makes his or her presence in the courtroom impracticable.

(4) The court may exercise its power to adjourn—

- (a) if either party asks; or
- (b) on its own initiative.

(5) Where the court on the same occasion deals with more than one offence alleged against the same defendant, it must deal with them in the following sequence—

- (a) any to which rule 9.6 applies (prosecutor's notice requiring Crown Court trial);
- (b) any to which rule 9.7 applies (sending for Crown Court trial, without allocation there), in this sequence—
  - (i) any the court must send for trial, then
  - (ii) any the court can send for trial; and
- (c) any to which rule 9.14 applies (allocation for Crown Court trial).

*[Note. See sections 50A, 51, 51A and 52 of the Crime and Disorder Act 1998(b) and sections 17A, 17B, 17C, 18, 23, 24A, 24B and 24C of the Magistrates' Courts Act 1980(c).]*

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- (a) 1980 c. 43; section 17E is inserted by paragraphs 1 and 3 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed. Section 18 was amended by section 59 of, and paragraph 1 of Schedule 9 to, the Criminal Justice Act 1982 (c. 48), section 68 of, and paragraph 6 of Schedule 8 to, the Criminal Justice Act 1991 (c. 53) and section 49 of the Criminal Procedure and Investigations Act 1996 (c. 25), and is further amended by paragraphs 1 and 4 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed. Section 24D is inserted by paragraphs 1 and 10 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.
  - (b) 1998 c. 37; section 52 was amended by paragraphs 68 and 69 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) for certain purposes (see S.I. 2005/1267), and for remaining purposes with effect from a date to be appointed. It was further amended by paragraph 78 of Schedule 21 to the Coroners and Justice Act 2009 (c. 25).
  - (c) 1980 c. 43; sections 17A, 17B and 17C were inserted by section 49 of the Criminal Procedure and Investigations Act 1996 (c. 25). Section 17A was amended by paragraph 62 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and is further amended by paragraphs 1 and 2 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed. Section 23 was amended by section 125 of, and paragraph 25 of Schedule 18 to, the Courts and Legal Services Act 2000 (c. 41), and is further amended by paragraphs 1 and 8 of Schedule 3 to the Criminal Justice Act

*Under sections 57A to 57E of the 1998 Act(a), the court may require a defendant to attend by live link a hearing to which this Part applies.*

*Where a defendant waives the right to be present then the court may nonetheless require his or her attendance by summons or warrant: see section 26 of the 1980 Act(b).*

*Under section 52A of the 1998 Act(c), reporting restrictions apply to the proceedings to which Sections 2 and 3 apply.*

*Part 2 contains rules allowing a representative to act on a defendant's behalf for the purposes of these Rules.*

*Part 3 contains rules about the court's powers of case management.]*

### **Matters to be specified on sending for trial**

**9.3.**—(1) Where the court sends a defendant to the Crown Court for trial, it must specify—

- (a) each offence to be tried;
- (b) in respect of each, the power exercised to send it; and
- (c) the Crown Court centre at which the trial will take place.

(2) In a case in which the prosecutor serves a notice to which rule 9.6(1)(a) applies (notice requiring Crown Court trial in a case of serious or complex fraud), the court must specify the Crown Court centre identified by that notice.

(3) In any other case, in deciding the Crown Court centre at which the trial will take place, the court must take into account—

- (a) the convenience of the parties and witnesses;
- (b) how soon a suitable courtroom will be available; and
- (c) the directions on the allocation of Crown Court business contained in the Practice Direction.

*[Note. See sections 51 and, when it comes into force, 51D of the Crime and Disorder Act 1998(d).]*

### **Duty of justices' legal adviser**

**9.4.**—(1) This rule applies—

- (a) only in a magistrates' court; and
- (b) unless the court—
  - (i) includes a District Judge (Magistrates' Courts), and
  - (ii) otherwise directs.

(2) On the court's behalf, a justices' legal adviser may—

- (a) read the allegation of the offence to the defendant;

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2003 (c. 44), with effect from a date to be appointed. Sections 24A, 24B and 24C are inserted by paragraphs 1 and 10 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(a) 1998 c. 37; sections 57A to 57E were substituted for section 57 as originally enacted by section 45 of the Police and Justice Act 2006 (c. 48), and amended by sections 106, 109 and 178 of, and Part 3 of Schedule 23 to, the Coroners and Justice Act 2009 (c. 25).

(b) 1980 c. 43; section 26 is amended by paragraphs 1 and 12 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(c) 1998 c. 37; section 52A is inserted by paragraphs 15 and 19 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(d) 1998 c. 37; section 51D was inserted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) for certain purposes (see S.I. 2005/950), and for remaining purposes with effect from a date to be appointed. It was amended by section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).



- (b) give any explanation and ask any question required by the rules in this Part;
  - (c) make any announcement required by the rules in this Part, other than an announcement of—
    - (i) the court’s decisions about allocation and sending,
    - (ii) any indication by the court of likely sentence, or
    - (iii) sentence.
- (3) A justices’ legal adviser must—
- (a) assist an unrepresented defendant;
  - (b) give the court such advice as is required to enable it to exercise its powers;
  - (c) if required, attend the members of the court outside the courtroom to give such advice, but inform the parties of any advice so given.

*[Note. For the functions of a justices’ legal adviser, see sections 28 and 29 of the Courts Act 2003(a).]*

### **Duty of magistrates’ court officer**

**9.5.**—(1) The magistrates’ court officer must—

- (a) serve notice of a sending for Crown Court trial on—
  - (i) the Crown Court officer, and
  - (ii) the parties;
- (b) in that notice record—
  - (i) the matters specified by the court under rule 9.3 (matters to be specified on sending for trial),
  - (ii) any indication of intended guilty plea given by the defendant under rule 9.7 (sending for Crown Court trial),
  - (iii) any decision by the defendant to decline magistrates’ court trial under rule 9.11 (adult defendant: allocation to magistrates’ court for trial), and
  - (iv) the date on which any custody time limit will expire;
- (c) record any indication of likely sentence to which rule 9.11 applies; and
- (d) give the court such other assistance as it requires.

(2) The magistrates’ court officer must include with the notice served on the Crown Court officer—

- (a) the initial details of the prosecution case served by the prosecutor under rule 21.2;
- (b) a record of any—
  - (i) listing or case management direction affecting the Crown Court,
  - (ii) direction about reporting restrictions,
  - (iii) decision about bail, for the purposes of section 5 of the Bail Act 1976(b),
  - (iv) recognizance given by a surety, or
  - (v) representation order; and

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(a) 2003 c. 39; section 28 was amended by section 15 of, and paragraphs 308 and 327 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4).

(b) 1976 c. 63; section 5 was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45), section 60 of the Criminal Justice Act 1982 (c. 48), paragraph 1 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 53 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 129(1) of the Criminal Justice and Police Act 2001 (c. 16), paragraph 182 of Schedule 8 to the Courts Act 2003 (c. 39), paragraph 48 of Schedule 3, paragraphs 1 and 2 of Schedule 36, and Parts 2, 4 and 12 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) and section 208 of, and paragraphs 33 and 35 of Schedule 21 to, the Legal Services Act 2007 (c. 27). Some of the amendments in Schedule 3 to the Criminal Justice Act 2003 are in force in relation to certain cases only.

- (c) if relevant, any available details of any—
  - (i) interpreter,
  - (ii) intermediary, or
  - (iii) other supporting adult, where the defendant is assisted by such a person.

*[Note. See sections 51 and, when it comes into force, 51D of the Crime and Disorder Act 1998(a); and, when it comes into force, section 20A of the Magistrates' Courts Act 1980(b).]*

## SECTION 2: SENDING WITHOUT ALLOCATION FOR CROWN COURT TRIAL

### **Prosecutor's notice requiring Crown Court trial**

**9.6.—**(1) This rule applies where a prosecutor with power to do so requires a magistrates' court to send for trial in the Crown Court—

- (a) a case of serious or complex fraud; or
  - (b) a case which will involve a child witness.
- (2) The prosecutor must serve written notice of that requirement—
- (a) on the magistrates' court officer and on the defendant; and
  - (b) before trial in a magistrates' court begins under Part 37 (Trial and sentence in a magistrates' court).
- (3) The notice must identify—
- (a) the power on which the prosecutor relies; and
  - (b) the Crown Court centre at which the prosecutor wants the trial to take place.
- (4) The prosecutor—
- (a) must, when choosing a Crown Court centre, take into account the matters listed in rule 9.3(3) (court deciding to which Crown Court centre to send a case); and
  - (b) may change the centre identified before the case is sent for trial.

*[Note. This rule applies only in a case for which the amendments made by Schedule 3 to the Criminal Justice Act 2003 have come into force: see rule 2.1 (When the Rules apply).]*

*Under section 51B of the Crime and Disorder Act 1998(c), the Director of Public Prosecutions, the Director of the Serious Fraud Office, the Director of Revenue and Customs Prosecutions or a Secretary of State may require the court to send a case for trial in the Crown Court if, in that prosecutor's opinion, the evidence of the offence charged—*

- (a) *is sufficient for the person charged to be put on trial for the offence; and*
- (b) *reveals a case of fraud of such seriousness or complexity that it is appropriate that the management of the case should without delay be taken over by the Crown Court.*

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(a) 1998 c. 37; section 51 was amended, and section 51D inserted, by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) for certain purposes (see S.I. 2005/950), and for remaining purposes with effect from a date to be appointed. They were further amended by section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(b) 1980 c. 43; section 20A is inserted by paragraphs 1 and 6 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(c) 1998 c. 37; section 51B is inserted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed. It was amended by section 50 of, and paragraph 69 of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11).

*Under section 51C of the Crime and Disorder Act 1998(a), the Director of Public Prosecutions may require the court to send for trial in the Crown Court a case involving one of certain specified violent or sexual offences if, in the Director's opinion—*

- (a) the evidence of the offence would be sufficient for the person charged to be put on trial for that offence;*
- (b) a child would be called as a witness at the trial; and*
- (c) for the purpose of avoiding any prejudice to the welfare of the child, the case should be taken over and proceeded with without delay by the Crown Court.*

*'Child' for these purposes is defined by section 51C(7) of the 1998 Act.*

*The Practice Direction sets out forms of notice for use in connection with this rule.]*

### **Sending for Crown Court trial**

**9.7.**—(1) This rule applies where a magistrates' court must, or can, send a defendant to the Crown Court for trial without allocating the case for trial there.

(2) The court must read the allegation of the offence to the defendant.

(3) The court must explain, in terms the defendant can understand (with help, if necessary)—

- (a) the allegation, unless it is self-explanatory;
- (b) that the offence is one for which the court, as appropriate—
  - (i) must send the defendant to the Crown Court for trial, or
  - (ii) can send the defendant to the Crown Court for trial because the offence is related to one already sent for trial there;
- (c) that the court is about to ask whether the defendant intends to plead guilty;
- (d) that if the answer is 'yes', then the Crown Court will arrange a hearing to take the defendant's plea; and
- (e) that reporting restrictions apply, which the defendant may ask the court to vary or remove.

(4) In the following sequence, the court must then—

- (a) ask whether the defendant intends to plead guilty;
- (b) invite the prosecutor to—
  - (i) identify the court's power to send the defendant to the Crown Court for trial for the offence, and
  - (ii) make representations about any ancillary matters, including bail and directions for the management of the case in the Crown Court;
- (c) invite the defendant to make representations about—
  - (i) the court's power to send the defendant to the Crown Court, and
  - (ii) any ancillary matters; and
- (d) exercise its powers to—
  - (i) send the defendant to the Crown Court for trial, and
  - (ii) give any ancillary directions.

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(a) 1998 c. 37; section 51C is inserted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed. It was modified by section 63 of, and paragraph 36 of Schedule 6 to, the Serious Crime Act 2007 (c. 27).

*[Note. See section 51 and, when they come into force, sections 51A and 51E of the Crime and Disorder Act 1998(a); and, when it comes into force, section 24A of the Magistrates' Courts Act 1980(b).*

*For the circumstances in which a magistrates' court may (and in some cases must) commit a defendant who is under 18 to the Crown Court for sentence after that defendant has indicated a guilty plea, see sections 3B, 4A and 6 of the Powers of Criminal Courts (Sentencing) Act 2000(c).*

*See also Part 16 (Reporting, etc. restrictions).]*

### SECTION 3: ALLOCATION FOR MAGISTRATES' COURT OR CROWN COURT TRIAL

*[Note. The rules in this Section apply only in a case for which the amendments made by Schedule 3 to the Criminal Justice Act 2003 have come into force: see rule 2.1 (When the Rules apply).]*

#### **Adult defendant: request for plea**

**9.8.**—(1) This rule applies where—

- (a) the defendant is 18 or over; and
- (b) the court must decide whether a case is more suitable for trial in a magistrates' court or in the Crown Court.

(2) The court must read the allegation of the offence to the defendant.

(3) The court must explain, in terms the defendant can understand (with help, if necessary)—

- (a) the allegation, unless it is self-explanatory;
- (b) that the offence is one which can be tried in a magistrates' court or in the Crown Court;
- (c) that the court is about to ask whether the defendant intends to plead guilty;
- (d) that if the answer is 'yes', then the court must treat that as a guilty plea and must sentence the defendant, or commit the defendant to the Crown Court for sentence;
- (e) that if the defendant does not answer, or the answer is 'no', then—
  - (i) the court must decide whether to allocate the case to a magistrates' court or to the Crown Court for trial,
  - (ii) the value involved may require the court to order trial in a magistrates' court (where the offence is one to which section 22 of the Magistrates' Courts Act 1980(d) applies), and

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(a) 1998 c. 37; section 51 was amended, and sections 51A and 51E inserted, by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) for certain purposes (see S.I. 2005/950), and for remaining purposes with effect from a date to be appointed. Section 51 was further amended by paragraph 1 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 51A was amended by section 49 of, and paragraph 5 of Schedule 1 to, the Violent Crime Reduction Act 2006 (c. 38).

(b) 1980 c. 43; section 24A is inserted by paragraphs 1 and 10 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(c) 2000 c. 6; sections 3B and 4A are inserted by paragraphs 21, 23 and 25 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed. Section 6 was amended by paragraphs 21 and 28 of Schedule 3, paragraphs 90 and 91 of Schedule 32, and Part 7 of Schedule 37 to the Criminal Justice Act 2003 (c. 44). The amendments made by paragraphs 21 and 28 of Schedule 3 are in force for certain purposes only. For remaining purposes, they will take effect from a date to be appointed. Section 6 is further amended by Part 9 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(d) 1980 c. 43; section 22 was amended by sections 38 and 170(2) of, and Schedule 16 to, the Criminal Justice Act 1988 (c. 33), section 68 of, and paragraph 6 of Schedule 8 to, the Criminal Justice Act 1991 (c. 53), section 2(2) of the Aggravated Vehicle Taking Act 1992 (c. 11) and sections 46 and 168(3) of, and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c. 33).

(iii) if the court allocates the case to a magistrates' court for trial, the defendant can nonetheless require trial in the Crown Court (unless the offence is one to which section 22 of the Magistrates' Courts Act 1980 applies and the value involved requires magistrates' court trial); and

(f) that reporting restrictions apply, which the defendant may ask the court to vary or remove.

(4) The court must then ask whether the defendant intends to plead guilty.

*[Note. See section 17A of the Magistrates' Courts Act 1980(a).*

*For the circumstances in which a magistrates' court may (and in some cases must) commit a defendant to the Crown Court for sentence after that defendant has indicated an intention to plead guilty where this rule applies, see sections 4 and 6 of the Powers of Criminal Courts (Sentencing) Act 2000(b).*

*See also Part 16 (Reporting, etc. restrictions).]*

### **Adult defendant: guilty plea**

**9.9.**—(1) This rule applies where—

- (a) rule 9.8 applies; and
- (b) the defendant indicates an intention to plead guilty.

(2) The court must exercise its power to deal with the case—

- (a) as if the defendant had just pleaded guilty to an offence that can be tried only in a magistrates' court; and
- (b) in accordance with rule 37.10 (procedure if the court convicts).

*[Note. See section 17A of the Magistrates' Courts Act 1980.]*

### **Adult defendant: not guilty plea**

**9.10.**—(1) This rule applies where—

- (a) rule 9.8 applies; and
- (b) the defendant—
  - (i) indicates an intention to plead not guilty, or
  - (ii) gives no indication of intended plea.

(2) In the following sequence, the court must then—

- (a) where the offence is one to which section 22 of the Magistrates' Courts Act 1980 applies, explain in terms the defendant can understand (with help, if necessary) that—
  - (i) if the court decides that the value involved clearly is less than £5,000, the court must order trial in a magistrates' court,
  - (ii) if the court decides that it is not clear whether that value is more or less than £5,000, then the court will ask whether the defendant agrees to be tried in a magistrates' court, and
  - (iii) if the answer to that question is 'yes', then the court must order such a trial and if the defendant is convicted then the maximum sentence is limited;

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(a) 1980 c. 43; section 17A was inserted by section 49 of the Criminal Procedure and Investigations Act 1996 (c. 25). It was amended by paragraph 62 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and is further amended by paragraphs 1 and 2 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(b) 2000 c. 6; section 4 is amended by paragraphs 21 and 24 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

- (b) invite the prosecutor to—
  - (i) identify any previous convictions of which it can take account, and
  - (ii) make representations about how the court should allocate the case for trial, including representations about the value involved, if relevant;
- (c) invite the defendant to make such representations;
- (d) where the offence is one to which section 22 of the Magistrates’ Courts Act 1980 applies—
  - (i) if it is not clear whether the value involved is more or less than £5,000, ask whether the defendant agrees to be tried in a magistrates’ court,
  - (ii) if the defendant’s answer to that question is ‘yes’, or if that value clearly is less than £5,000, order a trial in a magistrates’ court,
  - (iii) if the defendant does not answer that question, or the answer is ‘no’, or if that value clearly is more than £5,000, apply paragraph (2)(e);
- (e) exercise its power to allocate the case for trial, taking into account—
  - (i) the adequacy of a magistrates’ court’s sentencing powers,
  - (ii) any representations by the parties, and
  - (iii) any allocation guidelines issued by the Sentencing Council.

*[Note. See sections 17A, 18, 19, 22 and 24A of the Magistrates’ Courts Act 1980(a).*

*Under section 22 of the 1980 Act, some offences, which otherwise could be tried in a magistrates’ court or in the Crown Court, must be tried in a magistrates’ court in the circumstances described in this rule.*

*The convictions of which the court may take account are those specified by section 19 of the 1980 Act.*

*The Sentencing Council may issue allocation guidelines under section 122 of the Coroners and Justice Act 2009(b).]*

**Adult defendant: allocation for magistrates’ court trial**

**9.11.—**(1) This rule applies where—

- (a) rule 9.10 applies; and
- (b) the court allocates the case to a magistrates’ court for trial.

(2) The court must explain, in terms the defendant can understand (with help, if necessary) that—

- (a) the court considers the case more suitable for trial in a magistrates’ court than in the Crown Court;
- (b) if the defendant is convicted at a magistrates’ court trial, then in some circumstances the court may commit the defendant to the Crown Court for sentence;

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(a) 1980 c. 43; section 18 was amended by section 59 of, and paragraph 1 of Schedule 9 to, the Criminal Justice Act 1982 (c. 48), section 68 of, and paragraph 6 of Schedule 8 to, the Criminal Justice Act 1991 (c. 53) and section 49 of the Criminal Procedure and Investigations Act 1996 (c. 25), and is further amended by paragraphs 1 and 4 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed. Section 19 was amended by section 31 of, and paragraph 2 of Schedule 1 to, the Prosecution of Offences Act 1985 (c. 23), sections 49 and 80 of, and Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25) and paragraph 88 of Schedule 16 to the Armed Forces Act 2006 (c. 52). It is further amended by paragraphs 1 and 5 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) and by sections 144, 177 and 178 of, and paragraph 4 of Schedule 17, paragraph 80 of Schedule 21 and Part 5 of Schedule 23 to, the Coroners and Justice Act 2009 (c. 25) with effect from a date to be appointed.

(b) 2009 c. 25.

- (c) if the defendant does not agree to a magistrates' court trial, then the court must send the defendant to the Crown Court for trial; and
  - (d) before deciding whether to accept magistrates' court trial, the defendant may ask the court for an indication of whether a custodial or non-custodial sentence is more likely in the event of a guilty plea at such a trial, but the court need not give such an indication.
- (3) If the defendant asks for such an indication of sentence and the court gives such an indication—
- (a) the court must then ask again whether the defendant intends to plead guilty;
  - (b) if, in answer to that question, the defendant indicates an intention to plead guilty, then the court must exercise its power to deal with the case—
    - (i) as if the defendant had just pleaded guilty to an offence that can be tried only in a magistrates' court, and
    - (ii) in accordance with rule 37.10 (procedure if the court convicts);
  - (c) if, in answer to that question, the defendant indicates an intention to plead not guilty, or gives no indication of intended plea, in the following sequence the court must then—
    - (i) ask whether the defendant agrees to trial in a magistrates' court,
    - (ii) if the defendant's answer to that question is 'yes', order such a trial,
    - (iii) if the defendant does not answer that question, or the answer is 'no', apply rule 9.14.
- (4) If the defendant asks for an indication of sentence but the court gives none, or if the defendant does not ask for such an indication, in the following sequence the court must then—
- (a) ask whether the defendant agrees to trial in a magistrates' court;
  - (b) if the defendant's answer to that question is 'yes', order such a trial;
  - (c) if the defendant does not answer that question, or the answer is 'no', apply rule 9.14.

*[Note. See section 20 of the Magistrates' Courts Act 1980(a).*

*For the circumstances in which a magistrates' court may (and in some cases must) commit a defendant to the Crown Court for sentence after that defendant has been convicted at a magistrates' court trial, see sections 3, 3A, 3C, and 6 of the Powers of Criminal Courts (Sentencing) Act 2000(b).*

*For the circumstances in which an indication of sentence to which this rule applies restricts the sentencing powers of a court, see section 20A of the 1980 Act(c).]*

### **Adult defendant: prosecutor's application for Crown Court trial**

#### **9.12.—(1) This rule applies where—**

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- (a) 1980 c. 43; section 20 was amended by section 100 of, and paragraph 25 of Schedule 11 to, the Criminal Justice Act 1991 (c. 53) and by paragraph 63 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and is further amended by paragraphs 1 and 6 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.
  - (b) 2000 c. 6; section 3 is amended, and sections 3A and 3C inserted, by paragraphs 21, 22 and 23 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), and sections 3 and 3A are amended by paragraphs 1 and 9 of Schedule 13, and Part 4 of Schedule 28, to the Criminal Justice and Immigration Act 2008 (c. 4), with effect from a date to be appointed. Section 6 was amended by paragraphs 21 and 28 of Schedule 3, paragraphs 90 and 91 of Schedule 32, and Part 7 of Schedule 37 to the Criminal Justice Act 2003 (c. 44). The amendments made by paragraphs 21 and 28 of Schedule 3 to the 2003 Act are in force for certain purposes only. For remaining purposes, they will take effect from a date to be appointed. Section 6 is further amended by Part 9 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.
  - (c) 1980 c. 43; section 20A is inserted by paragraphs 1 and 6 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

- (a) rule 9.11 applies;
  - (b) the defendant agrees to trial in a magistrates' court; but
  - (c) the prosecutor wants the court to exercise its power to send the defendant to the Crown Court for trial instead.
- (2) The prosecutor must—
- (a) apply before trial in a magistrates' court begins under Part 37 (Trial and sentence in a magistrates' court); and
  - (b) notify—
    - (i) the defendant, and
    - (ii) the magistrates' court officer.
- (3) The court must determine an application to which this rule applies before it deals with any other pre-trial application.

*[Note. See sections 8A and 25 of the Magistrates' Courts Act 1980(a). Under section 25(2B), the court may grant an application to which this rule applies only if it is satisfied that the sentence which a magistrates' court would have power to impose would be inadequate.]*

### **Young defendant**

- 9.13.**—(1) This rule applies where—
- (a) the defendant is under 18; and
  - (b) the court must decide whether to send the defendant for Crown Court trial instead of ordering trial in a youth court.
- (2) The court must read the allegation of the offence to the defendant.
- (3) The court must explain, in terms the defendant can understand (with help, if necessary)—
- (a) the allegation, unless it is self-explanatory;
  - (b) that the offence is one which can be tried in the Crown Court instead of in a youth court;
  - (c) that the court is about to ask whether the defendant intends to plead guilty;
  - (d) that if the answer is 'yes', then the court must treat that as a guilty plea and must sentence the defendant, or commit the defendant to the Crown Court for sentence;
  - (e) that if the defendant does not answer, or the answer is 'no', then the court must decide whether to send the defendant for Crown Court trial instead of ordering trial in a youth court; and
  - (f) that reporting restrictions apply, which the defendant may ask the court to vary or remove.
- (4) The court must then ask whether the defendant intends to plead guilty.
- (5) If the defendant's answer to that question is 'yes', the court must exercise its power to deal with the case—
- (a) as if the defendant had just pleaded guilty to an offence that can be tried only in a magistrates' court; and
  - (b) in accordance with rule 37.10 (procedure if the court convicts).

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(a) 1980 c. 43; section 8A was inserted by section 45 of, and Schedule 3 to, the Courts Act 2003 (c. 39) and amended by SI 2006/2493. Section 25 was amended by section 31 of, and paragraph 3 of Schedule 1 and Schedule 2, to the Prosecution of Offences Act 1985 (c. 23), paragraph 6 of Schedule 8 to the Criminal Justice Act 1991 (c. 53), paragraphs 1 and 5 of Schedule 1 to the Criminal Procedure and Investigations Act 1996 (c. 25) and section 42 of the Criminal Justice Act 2003 (c. 44), and is further amended by paragraphs 1 and 11 of Schedule 3, and Part 4 of Schedule 37, to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.



(6) If the defendant does not answer that question, or the answer is ‘no’, in the following sequence the court must then—

- (a) invite the prosecutor to make representations about whether Crown Court or youth court trial is more appropriate;
- (b) invite the defendant to make such representations;
- (c) exercise its power to allocate the case for trial, taking into account—
  - (i) the offence and the circumstances of the offence,
  - (ii) the suitability of a youth court’s sentencing powers,
  - (iii) where the defendant is jointly charged with an adult, whether it is necessary in the interests of justice for them to be tried together in the Crown Court, and
  - (iv) any representations by the parties.

*[Note. See section 24A of the Magistrates’ Courts Act 1980(a).]*

#### **Allocation and sending for Crown Court trial**

**9.14.**—(1) This rule applies where—

- (a) under rule 9.10 or rule 9.13, the court allocates the case to the Crown Court for trial;
- (b) under rule 9.11, the defendant does not agree to trial in a magistrates’ court; or
- (c) under rule 9.12, the court grants the prosecutor’s application for Crown Court trial.

(2) In the following sequence, the court must—

- (a) invite the prosecutor to make representations about any ancillary matters, including bail and directions for the management of the case in the Crown Court;
- (b) invite the defendant to make any such representations; and
- (c) exercise its powers to—
  - (i) send the defendant to the Crown Court for trial, and
  - (ii) give any ancillary directions.

*[Note. See sections 21 and 24A of the Magistrates’ Courts Act 1980(b) and section 51 of the Crime and Disorder 1998(c). See also rule 9.3 (matters to be specified on sending for trial).]*

### **SECTION 4: CROWN COURT INITIAL PROCEDURE AFTER SENDING FOR TRIAL**

#### **Service of prosecution evidence**

**9.15.**—(1) This rule applies where—

- (a) a magistrates’ court sends the defendant to the Crown Court for trial; and
- (b) the prosecutor serves on the defendant copies of the documents containing the evidence on which the prosecution case relies.

(2) The prosecutor must at the same time serve copies of those documents on the Crown Court officer.

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(a) 1980 c. 43; section 24A is inserted by paragraphs 1 and 10 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(b) 1980 c. 43; section 21 is amended by paragraphs 1 and 7 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(c) 1998 c. 37; section 51 was amended by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) for certain purposes (see S.I. 2005/950), and for remaining purposes with effect from a date to be appointed. It was further amended by paragraph 1 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4).

*[Note. See The Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005(a). The time for service of the prosecution evidence is prescribed by regulation 2. It is—*

- (a) not more than 50 days after sending for trial, where the defendant is in custody;  
and*
- (b) not more than 70 days after sending for trial, where the defendant is on bail.]”*

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(a) S.I. 2005/902.

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules make the following amendments to The Criminal Procedure Rules 2011, S.I. 2011/1709:

<i>Rule</i>	<i>Amendment</i>
Part 2	A new paragraph is added to rule 2.1, to provide for the rules there mentioned to apply only when there come into force the statutory powers of allocation and sending for trial to which that paragraph refers.
Part 3	Rule 3.5 is amended to allow the court to require that issues in a case be identified in writing.
Part 9	New rules about allocation and sending for trial are inserted in this, presently empty, Part.
Part 12	The current rules about sending for trial are omitted.
Part 13	The time limits in rules 13.2 and 13.3, for applications to dismiss offences transferred or sent for trial, all are set at 28 days.
Part 37	Rule 37.8 is amended to make it clear that neither party need attend when the court deals with a written guilty plea to which the rule applies.
Part 50	Rules 50.2 and 50.4 are amended to make it clear that the defendant must be allowed an opportunity to consider the evidence on which the court relies in making, on its own initiative, one of the orders listed in the latter rule.
Parts 57 and 58	The rules about service of documents which these two Parts contain are omitted, so that the general rules about service of documents in Part 4 will apply instead.
Part 63	Rule 63.10 is amended to include reference to a qualifying judge advocate as a judge of the Crown Court.

Other amendments to rules, and notes to rules. Rules 2.3 and 62.9, and the notes to Part 3 and to rules 6.1, 16.1, 21.1, 63.10 and 69.1, all are amended to bring up to date the legislative and cross-references they contain.

The Glossary to the Criminal Procedure Rules is amended to omit expressions no longer used in the Rules.

Amendments to the Arrangement of Rules. The Arrangement of Rules is amended in consequence of the insertion of the new Part 9 rules and the omission of Part 12 of the Criminal Procedure Rules.

These Rules come into force on 2nd April 2012.

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STATUTORY INSTRUMENTS

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