
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 3 E+W

CASE MANAGEMENT

PREPARATION FOR TRIAL IN A MAGISTRATES' COURT

Pre-trial hearings in a magistrates' court: general rules E+W

- 3.16.**—(1) A magistrates' court—
- (a) must conduct a preparation for trial hearing unless—
 - (i) the court sends the defendant for trial in the Crown Court, or
 - (ii) the case is one to which rule 24.8 or rule 24.9 applies (Written guilty plea: special rules; Single justice procedure: special rules); and
 - (b) may conduct a further pre-trial case management hearing (and if necessary more than one such hearing) only where—
 - (i) the court anticipates a guilty plea,
 - (ii) it is necessary to conduct such a hearing in order to give directions for an effective trial, or
 - (iii) such a hearing is required to set ground rules for the conduct of the questioning of a witness or defendant.
- (2) At a preparation for trial hearing the court must give directions for an effective trial.
- (3) At a preparation for trial hearing, if the defendant is present the court must—
- (a) satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), that the defendant will receive credit for a guilty plea;
 - (b) take the defendant's plea or if no plea can be taken then find out whether the defendant is likely to plead guilty or not guilty; and
 - (c) unless the defendant pleads guilty, satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), that at the trial—
 - (i) the defendant will have the right to give evidence after the court has heard the prosecution case,
 - (ii) if the defendant does not attend, the trial is likely to take place in the defendant's absence, and
 - (iii) where the defendant is released on bail, failure to attend court when required is an offence for which the defendant may be arrested and punished and bail may be withdrawn.

Status: Point in time view as at 08/02/2021.

Changes to legislation: There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Cross Heading: PREPARATION FOR TRIAL IN A MAGISTRATES' COURT. (See end of Document for details)

(4) A pre-trial case management hearing must be in public, as a general rule, but all or part of the hearing may be in private if the court so directs.

(5) The court—

- (a) at the first hearing in the case must require a defendant who is present to provide, in writing or orally, his or her [^{F1}name and date of birth]; and
- (b) at any subsequent hearing may require such a defendant to provide that information by those means.

[Note. At the first hearing in a magistrates' court the court may, and in some cases must, send the defendant to the Crown Court for trial, depending upon (i) the classification of the offence, (ii) the defendant's age, (iii) whether the defendant is awaiting Crown Court trial for another offence, (iv) whether another defendant charged with the same offence is awaiting Crown Court trial, and (v) in some cases, the value of property involved. See also Part 9 (Allocation and sending for trial).

Under section 11 of the Magistrates' Courts Act 1980(1), where the defendant does not attend the trial, where the defendant is at least 18 years old, and subject to some exceptions, then the court must proceed in his or her absence unless it appears to the court to be contrary to the interests of justice to do so. Where the defendant does not attend the trial and he or she is under 18 then, again subject to some exceptions, the court may proceed in his or her absence.

Under sections 8A and 8B of the Magistrates' Courts Act 1980(2), a pre-trial ruling about the admissibility of evidence or any other question of law is binding unless it later appears to the court in the interests of justice to discharge or vary that ruling.

Under section 86A of the Courts Act 2003(3), Criminal Procedure Rules must specify stages of proceedings at which the court must require the information listed in rule 3.16(5) and may specify other stages of proceedings when such requirements may be imposed. A person commits an offence if, without reasonable excuse, that person fails to comply with such a requirement, whether by providing false or incomplete information or by providing no information.]

Textual Amendments

- F1** Words in rule 3.16(5)(a) substituted (8.2.2021) by [The Criminal Procedure \(Amendment\) Rules 2021 \(S.I. 2021/40\)](#), [rules 2, 6\(d\)](#)

Commencement Information

- I1** Rule 3.16 in force at 5.10.2020, see Preamble

Place of magistrates' court trial **E+W**

3.17. The court officer must arrange for a magistrates' court trial to take place in a courtroom provided by the Lord Chancellor, unless—

- (a) the court otherwise directs; or
- (b) the case is one to which rule 24.9 (Single justice procedure: special rules) applies.

- (1) [1980 c. 43](#); section 11 was amended by section 123 of, and paragraph 1 of Schedule 8 to, the Criminal Justice Act [1988 \(c. 33\)](#), section 168 of, and paragraph 39 of Schedule 10 to, the Criminal Justice and Public Order Act [1994 \(c. 33\)](#), section 119 of, and paragraph 39 of Schedule 8 to, the Crime and Disorder Act [1998 \(c. 37\)](#), paragraphs 25 and 26 of Schedule 32 to the Criminal Justice Act [2003 \(c. 44\)](#), section 54 of the Criminal Justice and Immigration Act [2008 \(c. 4\)](#) and sections 48 and 50 of, and paragraphs 2 and 4 of Schedule 11 to, the Criminal Justice and Courts Act [2015 \(c. 2\)](#).
- (2) [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](#) and paragraphs 12 and 14 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act [2012 \(c. 10\)](#). Section 8B was inserted by section 45 of, and Schedule 3 to, the Courts Act [2003 \(c. 39\)](#) and amended by paragraph 51 of Schedule 3, and Part 4 of Schedule 37, to the Criminal Justice Act [2003 \(c. 44\)](#).
- (3) [2003 c. 39](#); section 86A was inserted by section 162 of the Policing and Crime Act [2016 \(c. 3\)](#).

[Note. See section 3 of the *Courts Act 2003*(4) and section 16A of the *Magistrates' Courts Act 1980*(5).

In some circumstances the court may conduct all or part of the hearing outside a courtroom. The members of the court may discuss the verdict and sentence outside the courtroom.]

Commencement Information

I2 Rule 3.17 in force at 5.10.2020, see Preamble

Use of Welsh language at magistrates' court trial **E+W**

3.18. Where a magistrates' court trial takes place in Wales—

- (a) any party or witness may use the Welsh language; and
- (b) if practicable, at least one member of the court must be Welsh-speaking.

[Note. See section 3 of the *Courts Act 2003*(6) and section 22 of the *Welsh Language Act 1993*(7).]

Commencement Information

I3 Rule 3.18 in force at 5.10.2020, see Preamble

(4) 2003 c. 39.

(5) 1980 c. 43; section 16A was inserted by section 48 of the *Criminal Justice and Courts Act 2015* (c. 2).

(6) 2003 c. 39.

(7) 1993 c. 38.

Status:

Point in time view as at 08/02/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020,
Cross Heading: PREPARATION FOR TRIAL IN A MAGISTRATES' COURT.