
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 15

**PREPARATORY HEARINGS IN CASES OF SERIOUS FRAUD AND OTHER
COMPLEX, SERIOUS OR LENGTHY CASES IN THE CROWN COURT**

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Application for a preparatory hearing

15.1.—(1) A party who wants the court to order a preparatory hearing under section 7(2) of the Criminal Justice Act 1987(1) or under section 29(4) of the Criminal Procedure and Investigations Act 1996(2) must—

- (a) apply in the form set out in the Practice Direction;
- (b) include a short explanation of the reasons for applying; and
- (c) serve the application on the court officer and all other parties.

(2) A prosecutor who wants the court to order that—

- (a) the trial will be conducted without a jury under section 43 or section 44 of the Criminal Justice Act 2003(3); or
- (b) the trial of some of the counts included in the indictment will be conducted without a jury under section 17 of the Domestic Violence, Crime and Victims Act 2004(4),

must apply under this rule for a preparatory hearing, whether or not the defendant has applied for one.

[Note. See also sections 7 to 9A of the Criminal Justice Act 1987 (cases of serious or complex fraud) and sections 29 to 32 of the Criminal Procedure and Investigations Act 1996 (other complex, serious or lengthy cases).

For the provisions governing applications for the trial to be conducted without a jury, see sections 43 to 48 of the Criminal Justice Act 2003 (trials without a jury in serious or complex fraud cases

(1) 1987 c. 38.

(2) 1996 c. 25; section 29(4) is amended by section 16 of the Terrorism Act 2006 (c. 11).

(3) 2003 c. 44; section 43 will take effect on a date to be appointed.

(4) 2004 c. 28.

or where there is a danger of jury tampering). For the rules governing an appeal under section 47 of that Act, see rule 65.11 (appeal against order following discharge of jury because of jury tampering).]

Time for applying for a preparatory hearing

- 15.2.**—(1) A party who applies under rule 15.1 must do so not more than 28 days after—
- (a) the committal of the defendant;
 - (b) the consent to the preferment of a bill of indictment in relation to the case;
 - (c) the service of a notice of transfer; or
 - (d) where a person is sent for trial, the service of copies of the documents containing the evidence on which the charge or charges are based.

(2) A prosecutor who applies under rule 15.1 because he wants the court to order a trial without a jury under section 44 of the Criminal Justice Act 2003 (jury tampering) must do so as soon as reasonably practicable where the reasons do not arise until after that time limit has expired.

(3) The court may extend the time limit, even after it has expired.

[Note. A notice of transfer may be served under section 4 of the Criminal Justice Act 1987 (serious or complex fraud cases), or under section 53 of the Criminal Justice Act 1991(5) (certain cases involving children).

A person is sent for trial under section 51 of the Crime and Disorder Act 1998(6) (indictable-only offences sent for trial) or (so far as it is in force) under section 51A of the Crime and Disorder Act 1998 (certain cases involving children). As to the service of prosecution evidence in such a case, see paragraph 1 of Schedule 3 to the 1998 Act and The Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005(7)].

Representations concerning an application

15.3.—(1) A party who wants to make written representations concerning an application made under rule 15.1 must—

- (a) do so within 7 days of receiving a copy of that application; and
- (b) serve those representations on the court officer and all other parties.

(2) A defendant who wants to oppose an application for an order that the trial will be conducted without a jury under section 43 or section 44 of the Criminal Justice Act 2003 must serve written representations under this rule, including a short explanation of the reasons for opposing that application.

[Note. The grounds on which a judge may allow or refuse an application for an order that the trial will be conducted without a jury under section 43 or 44 of the Criminal Justice Act 2003 are set out in those sections of that Act].

(5) 1991 c. 53; section 53 was amended by paragraph 49 of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 93 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37) and paragraph 47 of Schedule 4 to, the Access to Justice Act 1999 (c. 22). It is repealed by section 332 of, and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(6) 1998 c. 37; section 51 is substituted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed and that amendment is in force for certain purposes; S.I. 2005/950. It was amended by paragraph 1 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4).

(7) S.I. 2005/902.

Determination of an application

15.4.—(1) Where an application has been made under rule 15.1(2), the court must hold a preparatory hearing.

(2) Other applications made under rule 15.1 should normally be determined without a hearing.

(3) The court officer must serve on the parties in the case, in the form set out in the Practice Direction—

- (a) notice of the determination of an application made under rule 15.1; and
- (b) an order for a preparatory hearing made by the court of its own initiative, including one that the court is required to make.

[Note. Section 45 of the Criminal Justice Act 2003(8) provides that an application by the prosecution for an order that the trial will be conducted without a jury must be determined at a preparatory hearing and the parties to the preparatory hearing must be given an opportunity to make representations with respect to that application.]

Orders for disclosure by prosecution or defence

15.5.—(1) Any disclosure order under section 9 of the Criminal Justice Act 1987, or section 31 of the Criminal Procedure and Investigations Act 1996, must identify any documents that are required to be prepared and served by the prosecutor under that order.

(2) A disclosure order under either of those sections does not require a defendant to disclose who will give evidence, except to the extent that disclosure is required—

- (a) by section 6A(2) of the 1996 Act (disclosure of alibi); or
- (b) by Part 33 of these Rules (disclosure of expert evidence).

(3) The court officer must serve notice of the order, in the relevant form set out in the Practice Direction, on the parties.

[Note. Under section 9(4) of the Criminal Justice Act 1987 or section 31(4) of the Criminal Procedure and Investigations Act 1996, the judge can require the prosecution to set out its case in a written statement, to arrange its evidence in a form that will be easiest for the jury to understand, to prepare a list of agreed facts, and to amend the case statement as directed by the judge following representations from the defence.]

Under section 9(5) of the 1987 Act or section 31(6), (7) and (9) of the 1996 Act, the judge can require the defence to give notice of any objection to the prosecution case statement, to give notice stating the extent of agreement with the prosecution as to documents and other matters and the reason for any disagreement.]