
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 39

TRIAL ON INDICTMENT

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Time limits for beginning of trials

39.1. The periods set out for the purposes of section 77(2)(a) and (b) of the Senior Courts Act 1981(1) shall be 14 days and 8 weeks respectively and accordingly, the trial of a person committed by a magistrates' court—

- (a) shall not begin until the expiration of 14 days beginning with the date of his committal, except with his consent and the consent of the prosecution; and
- (b) shall, unless the Crown Court has otherwise ordered, begin not later than the expiration of 8 weeks beginning with the date of his committal.

Appeal against refusal to excuse from jury service or to defer attendance

39.2.—(1) A person summoned under the Juries Act 1974(2) for jury service may appeal in accordance with the provisions of this rule against any refusal of the appropriate court officer to excuse him under section 9(2), or to defer his attendance under section 9A(1), of that Act.

(2) Subject to paragraph (3), an appeal under this rule shall be heard by the Crown Court.

(3) Where the appellant is summoned under the 1974 Act to attend before the High Court in Greater London the appeal shall be heard by a judge of the High Court and where the appellant is summoned under that Act to attend before the High Court outside Greater London or before a county court and the appeal has not been decided by the Crown Court before the day on which the appellant is required by the summons to attend, the appeal shall be heard by the court before which he is summoned to attend.

(1) 1981 c. 54; section 77(2) was amended by paragraph 18 of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33) and, for certain purposes by paragraph 54 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44). It is further amended by Schedule 2 to the Prosecution of Offences Act 1985 (c. 23) and paragraph 54 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44), with effect from dates to be appointed. The Act's title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(2) 1974 c. 23.

(4) An appeal under this rule shall be commenced by the appellant's giving notice of appeal to the appropriate court officer of the Crown Court or the High Court in Greater London, as the case may be, and such notice shall be in writing and shall specify the matters upon which the appellant relies as providing good reason why he should be excused from attending in pursuance of the summons or why his attendance should be deferred.

(5) The court shall not dismiss an appeal under this rule unless the appellant has been given an opportunity of making representations.

(6) Where an appeal under this rule is decided in the absence of the appellant, the appropriate court officer of the Crown Court or the High Court in Greater London, as the case may be, shall notify him of the decision without delay.

Application to change a plea of guilty

39.3.—(1) The defendant must apply as soon as practicable after becoming aware of the grounds for making an application to change a plea of guilty, and may only do so before the final disposal of the case, by sentence or otherwise.

- (2) Unless the court otherwise directs, the application must be in writing and it must—
- (a) set out the reasons why it would be unjust for the guilty plea to remain unchanged;
 - (b) indicate what, if any, evidence the defendant wishes to call;
 - (c) identify any proposed witness; and
 - (d) indicate whether legal professional privilege is waived, specifying any material name and date.
- (3) The defendant must serve the written application on—
- (a) the court officer; and
 - (b) the prosecutor.