

---

STATUTORY INSTRUMENTS

---

**2013 No. 1554**

**The Criminal Procedure Rules 2013**

**PART 9**

**ALLOCATION AND SENDING FOR TRIAL**

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

**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 first 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 because the offence is one which can only be tried there, or
    - (ii) may send the defendant to the Crown Court for trial if the magistrates' court decides that the offence is related to one already sent for trial there;
  - (c) 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) 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;
  - (b) 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
  - (c) decide whether or not to send the defendant to the Crown Court for trial.
- (5) If the court sends the defendant to the Crown Court for trial, it must—
  - (a) ask whether the defendant intends to plead guilty in the Crown Court and—
    - (i) if the answer is 'yes', make arrangements for the Crown Court to take the defendant's plea as soon as possible, or
    - (ii) if the defendant does not answer, or the answer is 'no', make arrangements for a case management hearing in the Crown Court; and

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

(b) give any other ancillary directions.

*[Note. See sections 51, 51A and 51E of the Crime and Disorder Act 1998(1), and section 24A of the Magistrates' Courts Act 1980(2).*

*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(3).*

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

- 
- (1) 1998 c. 37; section 51 was substituted, and sections 51A and 51E inserted, by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44). Section 51 was amended by section 59 of, and 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) and paragraph 6 of Schedule 21 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).
- (2) 1980 c. 43; section 24A was inserted by paragraphs 1 and 10 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).
- (3) 2000 c. 6; sections 3B and 4A were inserted by paragraphs 21, 23 and 25 of Schedule 3 to the Criminal Justice Act 2003 (c. 44). Section 6 was amended by paragraphs 21 and 28 of Schedule 3, paragraphs 90 and 91 of Schedule 32 and Parts 7 and 9 of Schedule 37 to the Criminal Justice Act 2003 (c. 44).