
STATUTORY INSTRUMENTS

2013 No. 1554

The Criminal Procedure Rules 2013

PART 9

ALLOCATION AND SENDING FOR TRIAL

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

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⁽¹⁾ applies), and
 - (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.

(1) 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).

Status: This is the original version (as it was originally made).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

[Note. See section 17A of the Magistrates' Courts Act 1980(2).

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(3).

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

(2) 1980 c. 43; section 17A was inserted by section 49 of the Criminal Procedure and Investigations Act 1996 (c. 25) and amended by paragraph 62 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and paragraphs 1 and 2 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).

(3) 2000 c. 6; section 4 was amended by paragraphs 21 and 24 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).