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STATUTORY INSTRUMENTS

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**2014 No. 1610**

**The Criminal Procedure Rules 2014**

**PART 3**

**CASE MANAGEMENT**

*PREPARATION FOR TRIAL IN THE CROWN COURT*

**Arraigning the defendant on the indictment**

- 3.24.**—(1) In order to take the defendant’s plea, the Crown Court must—
- (a) ensure that the defendant is correctly identified by the indictment;
  - (b) in respect of each count in the indictment—
    - (i) read the count aloud to the defendant, or arrange for it to be read aloud or placed before the defendant in writing,
    - (ii) ask whether the defendant pleads guilty or not guilty to the offence charged by that count, and
    - (iii) take the defendant’s plea.
- (2) Where a count is read which is substantially the same as one already read aloud, then only the materially different details need be read aloud.
- (3) Where a count is placed before the defendant in writing, the court must summarise its gist aloud.
- (4) In respect of each count in the indictment—
- (a) if the defendant declines to enter a plea, the court must treat that as a not guilty plea unless rule 38.11 applies (defendant unfit to plead);
  - (b) if the defendant pleads not guilty to the offence charged by that count but guilty to another offence of which the court could convict on that count—
    - (i) if the prosecutor and the court accept that plea, the court must treat the plea as one of guilty of that other offence, but
    - (ii) otherwise, the court must treat the plea as one of not guilty;
  - (c) if the defendant pleads a previous acquittal or conviction of the offence charged by that count—
    - (i) the defendant must identify that acquittal or conviction in writing, explaining the basis of that plea, and
    - (ii) the court must exercise its power to decide whether that plea disposes of that count.

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**Status:** This is the original version (as it was originally made).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

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*[Note. See section 6 of the Criminal Law Act 1967(1) and section 122 of the Criminal Justice Act 1988(2).*

*Under section 6(2) of the 1967 Act, on an indictment for murder a defendant may instead be convicted of manslaughter or another offence specified by that provision. Under section 6(3) of that Act, on an indictment for an offence other than murder or treason a defendant may instead be convicted of another offence if—*

- (a) the allegation in the indictment amounts to or includes an allegation of that other offence; and*
- (b) the Crown Court has power to convict and sentence for that other offence.]*

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(1) 1967 c. 58; section 6 was amended by paragraph 41 of Schedule 36 to the Criminal Justice Act 2003 (c. 44) and section 11 of the Domestic Violence, Crime and Victims Act 2004 (c. 28).

(2) 1988 c. 33.