
STATUTORY INSTRUMENTS

2014 No. 1610

The Criminal Procedure Rules 2014

PART 9

ALLOCATION AND SENDING FOR TRIAL

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

Young defendant

- 9.13.**—(1) This rule applies where—
- (a) the defendant is under 18; and
 - (b) the court must decide whether to send the defendant for Crown Court trial instead of ordering trial in a youth 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 the Crown Court instead of in a youth 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 the court must decide whether to send the defendant for Crown Court trial instead of ordering trial in a youth court; 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.
- (5) If the defendant's answer to that question is 'yes', the court must exercise its power to deal with the case—
- (a) as if the defendant had just pleaded guilty to an offence that can be tried only in a magistrates' court; and
 - (b) in accordance with rule 37.10 (procedure if the court convicts).
- (6) If the defendant does not answer that question, or the answer is 'no', in the following sequence the court must then—
- (a) invite the prosecutor to make representations about whether Crown Court or youth court trial is more appropriate;
 - (b) invite the defendant to make such representations;
 - (c) exercise its power to allocate the case for trial, taking into account—
 - (i) the offence and the circumstances of the offence,

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- (ii) the suitability of a youth court's sentencing powers,
- (iii) where the defendant is jointly charged with an adult, whether it is necessary in the interests of justice for them to be tried together in the Crown Court, and
- (iv) any representations by the parties.

[Note. See section 24A of the Magistrates' Courts Act 1980(1).]

(1) 1980 c. 43; section 24A was inserted by paragraphs 1 and 10 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).