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STATUTORY INSTRUMENTS

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**2014 No. 1610**

**The Criminal Procedure Rules 2014**

**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 because the court for some other reason is required to send that offence for trial,
    - (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, or
    - (iii) (where the offence is low-value shoplifting and the defendant is 18 or over) must send the defendant to the Crown Court for trial if the defendant wants to be tried 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;
  - (c) (where the offence is low-value shoplifting and the defendant is 18 or over) offer the defendant the opportunity to require trial in the Crown Court; and
  - (d) 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
- (b) give any other ancillary directions.

*[Note. See sections 51, 51A and 51E of the Crime and Disorder Act 1998(1), and sections 22A and 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).]*

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(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). Section 22A was inserted by section 176 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(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).