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STATUTORY INSTRUMENTS

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**2017 No. 755**

**The Criminal Procedure (Amendment No. 3) Rules 2017**

**Amendments to the Criminal Procedure Rules 2015**

4. In Part 3 (Case management)—
- (a) in rule 3.13 (Pre-trial hearings: general rules)—
- (i) renumber paragraphs (2) and (3) as (3) and (4) respectively, and
- (ii) after paragraph (1) insert—
- “(2) At the plea and trial preparation hearing the court must—
- (a) satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), that the defendant will receive credit for a guilty plea;
- (b) take the defendant’s plea or if no plea can be taken then find out whether the defendant is likely to plead guilty or not guilty;
- (c) unless the defendant pleads guilty, satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), that at the trial—
- (i) the defendant will have the right to give evidence after the court has heard the prosecution case,
- (ii) if the defendant does not attend, the trial may take place in the defendant’s absence,
- (iii) if the trial takes place in the defendant’s absence, the judge may inform the jury of the reason for that absence, and
- (iv) where the defendant is released on bail, failure to attend court when required is an offence for which the defendant may be arrested and punished and bail may be withdrawn; and
- (d) give directions for an effective trial.”;
- (b) in rule 3.21 (Application for joint or separate trials, etc.), at the end of the note to the rule insert—
- “Any issue arising from a decision under this rule may be subject to appeal to the Court of Appeal. Part 37 (Appeal to the Court of Appeal against ruling at preparatory hearing), Part 38 (Appeal to the Court of Appeal against ruling adverse to prosecution) and Part 39 (Appeal to the Court of Appeal about conviction or sentence) each contains relevant rules. The powers of the Court of Appeal on an appeal to which Part 39 applies are set out in sections 2, 3 and 7 of the Criminal Appeal Act 1968(1).”;* and
- (c) in rule 3.24 (Arresting the defendant on the indictment), in paragraph (4)(a) for “rule 25.11” substitute “rule 25.10”.

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(1) 1968 c. 19; section 2 was amended by section 2 of the Criminal Appeal Act 1995 (c. 35). Section 3 was amended by section 316 of the Criminal Justice Act 2003 (c. 44). Section 7 was amended by sections 43 and 170 of, and Schedule 16 to, the Criminal Justice Act 1988 (c. 33) and paragraph 44 of Schedule 36 to the Criminal Justice Act 2003 (c. 44).

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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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