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STATUTORY INSTRUMENTS

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**2020 No. 32**

**The Criminal Procedure (Amendment) Rules 2020**

**Amendments to the Criminal Procedure Rules**

6. In Part 7 (Starting a prosecution in a magistrates' court)—
- (a) in rule 7.1 (When this Part applies), after paragraph (1)(c) insert—
    - “(d) the prosecutor alleges an offence against a defendant who is due to attend, or attends, the court in response to another allegation.”;
  - (b) in rule 7.2 (Application for summons, etc.), in paragraph (3)(a) for “rule 7.3” substitute “rule 7.3(1)”;
  - (c) in rule 7.3 (Allegation of offence in application for summons, etc. or charge)—
    - (i) for the heading to the rule substitute “Allegation of offence”,
    - (ii) after paragraph (2) insert—
      - “(3) Where rule 7.1(1)(d) applies (additional allegation in existing prosecution), the prosecutor must—
      - (a) set out the additional allegation in terms that comply with paragraph (1);
      - (b) as soon as practicable—
        - (i) serve the additional allegation on the court officer and the defendant, or
        - (ii) present the additional allegation orally to the court, with a written statement of that allegation;
      - (c) demonstrate that the allegation is made in time, if legislation imposes a time limit; and
      - (d) demonstrate that the prosecutor has the necessary consent, if legislation requires it.

*[Note. In some circumstances the court may allow the prosecutor to amend an allegation of an offence, including to allege a different offence. In those circumstances the allegation may be amended after any time limit for prosecuting the different offence has expired if the amendment is based on substantially the same facts as the allegation first made. See Part 3 for the court's general powers of case management, including power to consider an application and give directions for (among other things) the amendment of an allegation.]”;* and

- (d) amend the table of contents correspondingly.