
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 24

TRIAL AND SENTENCE IN A MAGISTRATES' COURT

General rules

- 24.2.**—(1) Where this Part applies—
- (a) the general rule is that the hearing must be in public; but
 - (b) the court may exercise any power it has to—
 - (i) impose reporting restrictions,
 - (ii) withhold information from the public, or
 - (iii) order a hearing in private; and
 - (c) unless the court otherwise directs, only the following may attend a hearing in a youth court—
 - (i) the parties and their legal representatives,
 - (ii) a defendant's parents, guardian or other supporting adult,
 - (iii) a witness,
 - (iv) anyone else directly concerned in the case, and
 - (v) a representative of a news-gathering or reporting organisation.
- (2) Unless already done, the justices' legal adviser or the court must—
- (a) read the allegation of the offence to the defendant;
 - (b) explain, in terms the defendant can understand (with help, if necessary)—
 - (i) the allegation, and
 - (ii) what the procedure at the hearing will be;
 - (c) ask whether the defendant has been advised about the potential effect on sentence of a guilty plea;
 - (d) ask whether the defendant pleads guilty or not guilty; and
 - (e) take the defendant's plea.
- (3) The court may adjourn the hearing—
- (a) at any stage, to the same or to another magistrates' court; or
 - (b) to a youth court, where the court is not itself a youth court and the defendant is under 18.
- (4) Paragraphs (1) and (2) of this rule do not apply where the court tries a case under rule 24.9 (Single justice procedure: special rules).

[Note. See sections 10, 16A, 27A, 29 and 121 of the Magistrates' Courts Act 1980(1) and sections 46 and 47 of the Children and Young Persons Act 1933.

Where the case has been allocated for trial in a magistrates' court, part of the procedure under rule 24.2(2) will have taken place.

Part 6 contains rules about reporting, etc. restrictions. For a list of the court's powers to impose reporting and access restrictions, see the note to rule 6.1.

Under section 34A of the Children and Young Persons Act 1933(2), the court—

- (a) may require the defendant's parents or guardian to attend court with the defendant, where the defendant is under 18; and*
- (b) must do so, where the defendant is under 16,*

unless satisfied that that would be unreasonable.

Part 7 contains rules about (among other things) the issue of a summons to a parent or guardian.

Part 46 (Representatives) contains rules allowing a parent, guardian or other supporting adult to help a defendant under 18.]

(1) 1980 c. 43; section 29 was amended by sections 68 and 100 of, and paragraph 6 of Schedule 8 and paragraph 40 of Schedule 11 to, the Criminal Justice Act 1991 (c. 53), section 168 of, and paragraph 41 of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33) and section 41 of, and paragraph 51 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44). Section 16A was inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2).

(2) 1933 c. 12; section 34A was inserted by section 56 of the Criminal Justice Act 1991 (c. 53) and amended by section 107 of, and paragraph 1 of Schedule 5 to, the Local Government Act 2000 (c. 22).