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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 3**

**CASE MANAGEMENT**

*PREPARATION FOR TRIAL IN THE CROWN COURT*

**Arraigning the defendant on the indictment**

- 3.32.**—(1) In order to take the defendant’s plea, the Crown Court must—
- (a) obtain the prosecutor’s confirmation, in writing or orally—
    - (i) that the indictment (or draft indictment, as the case may be) sets out a statement of each offence that the prosecutor wants the court to try and such particulars of the conduct constituting the commission of each such offence as the prosecutor relies upon to make clear what is alleged, and
    - (ii) of the order in which the prosecutor wants the defendants’ names to be listed in the indictment, if the prosecutor proposes that more than one defendant should be tried at the same time;
  - (b) ensure that the defendant is correctly identified by the indictment or draft indictment;
  - (c) satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), each allegation against him or her; and
  - (d) in respect of each count—
    - (i) read the count aloud to the defendant, or arrange for it to be read aloud or placed before the defendant in writing,
    - (ii) ask whether the defendant pleads guilty or not guilty to the offence charged by that count, and
    - (iii) take the defendant’s plea.
- (2) Where a count is read which is substantially the same as one already read aloud, then only the materially different details need be read aloud.
- (3) Where a count is placed before the defendant in writing, the court must summarise its gist aloud.
- (4) In respect of each count in the indictment—
- (a) if the defendant declines to enter a plea, the court must treat that as a not guilty plea unless rule 25.10 applies (Defendant unfit to plead);
  - (b) if the defendant pleads not guilty to the offence charged by that count but guilty to another offence of which the court could convict on that count—
    - (i) if the prosecutor and the court accept that plea, the court must treat the plea as one of guilty of that other offence, but

- (ii) otherwise, the court must treat the plea as one of not guilty; and
- (c) if the defendant pleads a previous acquittal or conviction of the offence charged by that count—
  - (i) the defendant must identify that acquittal or conviction in writing, explaining the basis of that plea, and
  - (ii) the court must exercise its power to decide whether that plea disposes of that count.
- (5) In a case in which a magistrates' court sends the defendant for trial, the Crown Court must take the defendant's plea—
  - (a) not less than 10 business days after the date on which that sending takes place, unless the parties otherwise agree; and
  - (b) not more than 80 business days after that date, unless the court otherwise directs (either before or after that period expires).

*[Note. See section 6 of the Criminal Law Act 1967(1), section 77 of the Senior Courts Act 1981(2) and section 122 of the Criminal Justice Act 1988(3). Part 10 contains rules about the content and service of indictments: see in particular rule 10.2 (The indictment: general rules).*

*Under section 6(2) of the 1967 Act, on an indictment for murder a defendant may instead be convicted of manslaughter or another offence specified by that provision. Under section 6(3) of that Act, on an indictment for an offence other than murder or treason a defendant may instead be convicted of another offence if—*

- (a) *the allegation in the indictment amounts to or includes an allegation of that other offence; and*
- (b) *the Crown Court has power to convict and sentence for that other offence.]*

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(1) 1967 c. 58; section 6 was amended by paragraph 41 of Schedule 36 to the Criminal Justice Act 2003 (c. 44) and section 11 of the Domestic Violence, Crime and Victims Act 2004 (c. 28).

(2) 1981 c. 54; section 77 was amended by section 15 of, and paragraph 11 of Schedule 2 to, the Criminal Justice Act 1987 (c. 38), section 168 of, and paragraph 18 of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 41 of, and paragraph 54 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44) and article 3 of, and paragraphs 11 and 13 of the Schedule to, SI 2004/2035. It is further amended by section 31 of, and paragraph 11 of Schedule 1 and Schedule 2 to, the Prosecution of Offences Act 1985 (c. 23) with effect from a date to be appointed.

(3) 1988 c. 33.