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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 7**

**STARTING A PROSECUTION IN A MAGISTRATES' COURT**

**Allegation of offence**

**7.3.**—(1) An allegation of an offence in an application for the issue of a summons or warrant or in a charge must contain—

- (a) a statement of the offence that—
  - (i) describes the offence in ordinary language, and
  - (ii) identifies any legislation that creates it; and
- (b) such particulars of the conduct constituting the commission of the offence as to make clear what the prosecutor alleges against the defendant, including the value of any damage or theft alleged where that value is known and where it affects the exercise of the court's powers.

(2) More than one incident of the commission of the offence may be included in the allegation if those incidents taken together amount to a course of conduct having regard to the time, place or purpose of commission.

(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.]*

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**Commencement Information**

**II** Rule 7.3 in force at 5.10.2020, see Preamble

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 7.3.