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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 9**

**ALLOCATION AND SENDING FOR TRIAL**

*SENDING WITHOUT ALLOCATION FOR CROWN COURT TRIAL*

**Prosecutor's notice requiring Crown Court trial**

**9.6.**—(1) This rule applies where a prosecutor with power to do so requires a magistrates' court to send for trial in the Crown Court—

- (a) a case of serious or complex fraud; or
  - (b) a case which will involve a child witness.
- (2) The prosecutor must serve notice of that requirement—
- (a) on the magistrates' court officer and on the defendant; and
  - (b) before trial in a magistrates' court begins under Part 24 (Trial and sentence in a magistrates' court).
- (3) The notice must identify—
- (a) the power on which the prosecutor relies; and
  - (b) the Crown Court centre at which the prosecutor wants the trial to take place.
- (4) The prosecutor—
- (a) must, when choosing a Crown Court centre, take into account the matters listed in rule 9.3(3) (court deciding to which Crown Court centre to send a case); and
  - (b) may change the centre identified before the case is sent for trial.

*[Note. Under section 51B of the Crime and Disorder Act 1998(1), the Director of Public Prosecutions or a Secretary of State may require the court to send a case for trial in the Crown Court if, in that prosecutor's opinion, the evidence of the offence charged—*

- (a) *is sufficient for the person charged to be put on trial for the offence; and*
- (b) *reveals a case of fraud of such seriousness or complexity that it is appropriate that the management of the case should without delay be taken over by the Crown Court.*

*Under section 51C of the Crime and Disorder Act 1998(2), the Director of Public Prosecutions may require the court to send for trial in the Crown Court a case involving one of certain specified violent or sexual offences if, in the Director's opinion—*

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- (1) 1998 c. 37; section 51B was inserted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) and amended by section 50 of, and paragraph 69 of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11) and paragraphs 46 and 48 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).
- (2) 1998 c. 37; section 51C was inserted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) and modified by section 63 of, and paragraph 36 of Schedule 6 to, the Serious Crime Act 2007 (c. 27).

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**Changes to legislation:** There are currently no known outstanding effects for the  
The Criminal Procedure Rules 2020, Section 9.6. (See end of Document for details)

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- (a) *the evidence of the offence would be sufficient for the person charged to be put on trial for that offence;*
- (b) *a child would be called as a witness at the trial; and*
- (c) *for the purpose of avoiding any prejudice to the welfare of the child, the case should be taken over and proceeded with without delay by the Crown Court.*

*‘Child’ for these purposes is defined by section 51C(7) of the 1998 Act.]*

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**Commencement Information**

**II** Rule 9.6 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 9.6.