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STATUTORY INSTRUMENTS

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**2022 No. 45**

**The Criminal Procedure (Amendment) Rules 2022**

**Amendments to the Criminal Procedure Rules**

6. In Part 9 (Allocation and sending for trial)—
- (a) in rule 9.1 (When this Part applies), after paragraph (3) insert—

“(4) Rule 9.15 applies in a magistrates’ court where, after applying other rules in this Part, the court can commit for sentence to the Crown Court a defendant who pleads guilty to an offence related to one sent for trial there.”;
  - (b) in rule 9.2 (Exercise of magistrates’ court’s powers)—
    - (i) at the end of paragraph (3)(b) omit “and”,
    - (ii) at the end of paragraph (3)(c) insert “and”, and
    - (iii) after paragraph (3)(c) insert—
      - “(d) where rule 9.15 (Committal for sentence for offence related to an offence sent for trial) applies, unless—
        - (i) it appears to the court to be contrary to the interests of justice to do so, and
        - (ii) the court considers that there is an acceptable reason for the defendant’s absence.”;
  - (c) in rule 9.5 (Duty of magistrates’ court officer)—
    - (i) renumber paragraph (1)(b)(v) as (1)(b)(vi),
    - (ii) at the end of paragraph (1)(b)(iv) omit “and”, and
    - (iii) after paragraph (1)(b)(iv) insert—
      - “(v) any opinion stated by the court under rule 9.15 (Committal for sentence for offence related to an offence sent for trial), and”;
  - (d) after rule 9.14 (Allocation and sending for Crown Court trial) insert—

*“COMMITTAL FOR SENTENCE IN CONNECTION WITH SENDING FOR TRIAL*

**Committal for sentence for offence related to an offence sent for trial**

- 9.15.**—(1) This rule applies where—
- (a) on a previous occasion the court has sent the defendant to the Crown Court for trial for an offence in exercise of a power to which rule 9.7, 9.13 or 9.14 applies;
  - (b) on the present occasion, under rule 9.9 or 9.13 the defendant indicates an intention to plead guilty to, and is convicted of, an offence which the court decides is related to the offence for which the defendant was previously sent for trial;

- (c) the court decides to commit the defendant to the Crown Court for sentence for the related offence under—
  - (i) section 18 of the Sentencing Act 2020(1), if the defendant is over 18, or
  - (ii) section 19 of the 2020 Act(2), if the defendant is under 18; and
- (d) in the court’s opinion, if it were not committing the defendant for sentence under section 18 or 19 of the 2020 Act then it could, or would be required to, commit the defendant to the Crown Court for sentence for the related offence under—
  - (i) section 14 or 15 of that Act, if the defendant is over 18, or
  - (ii) section 16, 16A or 17 of that Act(3), if the defendant is under 18.
- (2) The court must state that opinion for the Crown Court.

*[Note. See sections 18(4) and 19(3) of the Sentencing Act 2020 for the court’s powers to state the opinion to which this rule refers.*

*Under section 51E of the Crime and Disorder Act 1998(4)—*

- (a) *an offence classified as triable either way is related to an offence for which a defendant has been sent for trial in the Crown Court if both offences are based on the same prosecution evidence (and see rule 10.2(4)(c) in the rules about indictments); and*
- (b) *an offence classified as triable only summarily is related to an offence for which a defendant has been sent for trial in the Crown Court if both offences arise out of the same or connected circumstances.*

*Under section 51 of the 1998 Act(5)—*

- (a) *if a magistrates’ court sends a defendant to the Crown Court for trial for an offence and on the same occasion deals with a related offence then the general rule is that the court must send the defendant to the Crown Court for trial for the related offence, too; but*
- (b) *if the court sends a defendant to the Crown Court for trial for an offence on one occasion and on a later occasion deals with a related offence then it may send the defendant to the Crown Court for trial for the related offence, too, or it may finish dealing with that offence itself and, if it convicts the defendant, may commit the defendant for sentence to the Crown Court instead.*

*For the circumstances in which a magistrates’ court may (and, in some cases, must) commit a defendant to the Crown Court for sentence or for the making of other orders beyond a magistrates’ court’s powers, see sections 14, 15, 16, 16A, 17, 18, 19, 20 and 24 of the Sentencing Act 2020 and paragraph 11 of Schedule 16 to that Act. See also rules 24.11 (Procedure if the court convicts) and 28.12 (Sentencing, etc. after committal to the Crown Court). The note to rule 28.12 summarises the statutory provisions that apply.]”;* and

- (e) amend the table of contents correspondingly.

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(1) 2020 c. 17.

(2) 2020 c. 17; section 19 was amended by section 46 of, and paragraph 26 of Schedule 13 to, the Counter-Terrorism and Sentencing Act 2021 (c. 11).

(3) 2020 c. 17; section 16A was inserted by section 46 of, and paragraph 26 of Schedule 13 to, the Counter-Terrorism and Sentencing Act 2021 (c. 11).

(4) 1998 c. 37; section 51E was substituted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).

(5) 1998 c. 37; section 51 was substituted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) and amended by section 52 of the Criminal Justice and Courts Act 2015 (c. 2).