
STATUTORY INSTRUMENTS

2022 No. 45

The Criminal Procedure (Amendment) Rules 2022

Amendments to the Criminal Procedure Rules

7. In Part 24 (Trial and sentence in a magistrates' court)—
- (a) in rule 24.8 (Written guilty plea: special rules)—
 - (i) in paragraph (4), for “before the hearing date specified in the summons or requisition” substitute “as soon as practicable and in any event no later than the business day before the hearing date”, and
 - (ii) after the third paragraph of the note to the rule insert—

“See also rule 24.11(10)(a) under which the court must adjourn where the defendant is absent before passing a custodial sentence or imposing a disqualification.”;
 - (b) in rule 24.11 (Procedure if the court convicts)—
 - (i) at the beginning of paragraph (9)(a) insert “subject to paragraph (10),”,
 - (ii) for paragraph (10) substitute—

“(10) Despite the general rule—

 - (a) the court must adjourn the hearing if—
 - (i) the case started with a summons, requisition or single justice procedure notice,
 - (ii) the defendant is absent, and
 - (iii) the court considers passing a custodial sentence (where it can do so), or imposing a disqualification (unless it has already adjourned the hearing to give the defendant an opportunity to attend);
 - (b) the court may defer sentence for up to 6 months;
 - (c) the court may, and in some cases must, commit the defendant to the Crown Court for sentence;
 - (d) if the prosecutor asks the court to commit the defendant to the Crown Court in respect of an offence so that a confiscation order can be considered—
 - (i) the court must commit the defendant for that purpose, and
 - (ii) sub-paragraph (e) applies; and
 - (e) where this sub-paragraph applies—
 - (i) the court may commit the defendant to the Crown Court to be dealt with there for any other offence of which the defendant has been convicted and with which the magistrates' court otherwise could deal, and

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- (ii) if it does so, the court must state whether it would have committed the defendant to the Crown Court for sentence anyway under section 14, 16 or 16A of the Sentencing Act 2020(1).”, and
- (iii) for the fourteenth and fifteenth paragraphs of the note to the rule substitute—

“Under section 3 of the Sentencing Act 2020, if (among other things) the defendant consents, the court may defer sentence for up to 6 months, for the purpose of allowing it to take account of the defendant’s conduct after conviction, or any change in the defendant’s circumstances.

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—

- (a) *sections 14, 15, 16, 16A, 17, 18, 19 and 20 of the Sentencing Act 2020(2);*
- (b) *the provisions listed in section 24 of the 2020 Act (including section 70 of the Proceeds of Crime Act 2002(3)); and*
- (c) *paragraph 11 of Schedule 16 to the 2020 Act.*

See section 70(5) of the Proceeds of Crime Act 2002 for the court’s power to make the statement to which this rule refers.

See also rules 9.15 (Committal for sentence of offence related to an offence sent for trial) and 28.8 (Sentencing, etc. after committal to the Crown Court). The note to rule 28.8 summarises the statutory provisions that apply.]”

(1) [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).

(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) [2002 c. 29](#); section 70 was amended by section 41 of, and paragraph 75 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44), section 410 of, and paragraphs 181 and 195 of Schedule 24 to, the Sentencing Act 2020 (c. 17) and section 46 of, and paragraph 19 of Schedule 13 to, the Counter-Terrorism and Sentencing Act 2021 (c. 11).