

---

STATUTORY INSTRUMENTS

---

**2023 No. 786**

**The Criminal Procedure (Amendment No. 2) Rules 2023**

**Amendments to the Criminal Procedure Rules**

- 10.** In Part 24 (Trial and sentence in a magistrates' court)—
- (a) in rule 24.1 (When this Part applies), in the fifth paragraph of the note to the rule at the end of sub-paragraph (b) insert “or is a corporation”;
  - (b) in rule 24.9 (Single justice procedure: special rules)—
    - (i) at the end of paragraph (1)(b) insert “or is a corporation”,
    - (ii) renumber paragraph (1)(c)(v) to (vii) as (1)(c)(vi) to (viii) respectively,
    - (iii) in paragraph (1)(c)(vi) as thus renumbered after “plead guilty” insert “and wants to be sentenced by a single justice”,
    - (iv) after paragraph (1)(c)(iv) insert—
      - “(v) a notice explaining the automatic online conviction option, if that will be available to the defendant, including explanations of penalties and liabilities, of where to obtain more details and of how to accept that option,”,
    - (v) renumber paragraph (4)(a) to (c) as (4)(b) to (d) respectively,
    - (vi) in paragraph (4)(b) as thus renumbered after “plead guilty” insert “and wants to be sentenced by a single justice”,
    - (vii) before paragraph (4)(b) as thus renumbered insert—
      - “(a) a defendant who wants to plead guilty and wants to accept the automatic online conviction option, if that is offered, may do so,”,
    - (viii) renumber paragraphs (5) to (10) as (6) to (11) respectively,
    - (ix) in paragraph (6) as thus renumbered for “plead guilty under paragraph (4)(a)” substitute “plead guilty and to be sentenced by a single justice under paragraph (4)(b)”,
    - (x) for paragraph (7) as thus renumbered substitute—
      - “(7) If within 15 business days of service on the defendant of the documents listed in paragraph (1)(c) the defendant wants to withdraw a notice served under paragraph (4)(b) (notice to plead guilty and to be sentenced by a single justice), paragraph (4)(c) (notice to plead guilty at a hearing) or paragraph (4)(d) (notice to plead not guilty), the defendant must either—
        - (a) accept the automatic online conviction option, if that was offered; or
        - (b) serve—
          - (i) notice of that withdrawal on the court officer, and
          - (ii) any substitute notice under paragraph (4).”,
    - (xi) in paragraph (8) as thus renumbered for “Paragraph (8)” substitute “Paragraph (9)”, for “paragraph (4)(b) or (c)” substitute “paragraph (4)(c) or (d)” and after

- “section 16B(2) of the Magistrates’ Courts Act 1980(1)” insert “(notice objecting to single justice procedure trial)”
- (xii) in paragraph (9) as thus renumbered for “paragraph (4)(a)” in each place it occurs substitute “paragraph (4)(b)”
- (xiii) in paragraph (10) as thus renumbered for “Paragraph (10)” substitute “Paragraph (11)”, for “paragraph (4)(b) or (c)” substitute “paragraph (4)(c) or (d)” and for “paragraph (8)” substitute “paragraph (9)”
- (xiv) after paragraph (4) insert—
- “(5) If within 15 business days of service on the defendant of the documents listed in paragraph (1)(c) the defendant accepts the automatic online conviction option (if that is offered) and does not then withdraw that acceptance within the next 5 business days—
- (a) at the end of the fifth business day after acceptance the defendant is convicted of the offence and liable to each penalty and other payment specified for it; and
- (b) paragraphs (6) to (11) do not apply.”
- (xv) in the first paragraph of the note to the rule for “sections 16A to 16D of the Magistrates’ Courts Act 1980(2)” substitute “sections 16A to 16L of the Magistrates’ Courts Act 1980(3)” and for “rule 24.9(9)” substitute “rule 24.9(10)”, and
- (xvi) after the second paragraph of the note to the rule insert—
- “Under section 16K(1) of the Magistrates’ Courts Act 1980 the time when a conviction takes effect after the defendant accepts the automatic online conviction option, if that is offered, is to be determined in accordance with Criminal Procedure Rules.”;*
- (c) in rule 24.11 (Procedure if the court convicts)—
- (i) at the end of paragraph (3)(c) omit “and”,
- (ii) at the of paragraph (3)(d) insert “and”, and
- (iii) after paragraph (3)(d) insert—
- “(e) in a youth court, if the maker of a statement to which paragraph (3)(c) refers wishes to read that statement to the court, apply for a direction to which rule 24.2(1)(c) refers (attendance) and for any other direction that the prosecutor wants—
- (i) when, or as soon as practicable after, the court convicts the defendant, and
- (ii) as a general rule, no later than 5 business days before the hearing at which sentence is due to be passed.”;
- (d) in rule 24.13 (Provision of documents for the court), in paragraph (4)(d) for “rule 24.9(4)(a)” substitute “rule 24.9(4)(b)”;
- (e) in rule 24.14 (Duty of justices’ legal adviser)—
- (i) for paragraph (2)(b) and (c) substitute—
- “(b) assist the court by—

---

(1) 1980 c. 43; section 16B was inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2).

(2) 1980 c. 43; sections 16A to 16D were inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2).

(3) 1980 c. 43; sections 16E and 16F were inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2). Sections 16G to 16L are inserted by section 3 of the Judicial Review and Courts Act 2022 (c. 35) with effect from a date to be appointed.

- (i) making a note of the substance of any oral evidence or representations, to help the court recall that information, and
  - (ii) if the court rules inadmissible part of a written statement introduced in evidence, marking that statement in such a way as to make that clear.”,
- (ii) for paragraph (3) substitute—
  - “(3) Where the defendant has no legal representative and indicates an intention to plead guilty a justices’ legal adviser must, in terms the defendant can understand—
    - (a) explain the procedures required by—
      - (i) rule 24.7 (Procedure on plea of guilty), and
      - (ii) rule 24.11 (Procedure if the court convicts); and
    - (b) in particular explain—
      - (i) the right to make representations about the facts alleged by the prosecutor,
      - (ii) the right to offer mitigation, and
      - (iii) the importance of providing information about financial and other personal circumstances so that the court can impose the most appropriate sentence.”, and
    - (iii) in the first paragraph of the note to the rule after “See also” insert “rule 2.12 (Duties of justices’ legal adviser) and”; and
- (f) in rule 24.15 (Duty of court officer and custodian), in paragraph (1)(g)(ii) for “rule 24.9(b) or (c)” substitute “rule 24.9(4)(c) or (d) (notice of intention to plead guilty at a hearing or notice of intention to plead not guilty)”.