
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 37

SUMMARY TRIAL

Order of evidence and speeches: complaint

37.7.—(1) On the hearing of a complaint, except where the court determines under section 53(3) of the Magistrates' Courts Act 1980 to make the order with the consent of the defendant without hearing evidence, the complainant shall call his evidence, and before doing so may address the court.

(2) At the conclusion of the evidence for the complainant the defendant may address the court, whether or not he afterwards calls evidence.

(3) At the conclusion of the evidence, if any, for the defence, the complainant may call evidence to rebut that evidence.

(4) At the conclusion of the evidence for the defence and the evidence, if any, in rebuttal, the defendant may address the court if he has not already done so.

(5) Either party may, with the leave of the court, address the court a second time, but where the court grants leave to one party it shall not refuse leave to the other.

(6) Where the defendant obtains leave to address the court for a second time his second address shall be made before the second address, if any, of the complainant.

[Note. Formerly rule 14 of the Magistrates' Courts Rules 1981. For criminal proceedings commenced by complaint see rules 50.3 (variation or discharge of certain orders), 53.1 (review of compensation order) and 55.2 (removal of driving disqualification).]