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STATUTORY INSTRUMENTS

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**2015 No. 1490**

**The Criminal Procedure Rules 2015**

**PART 24**

**TRIAL AND SENTENCE IN A MAGISTRATES' COURT**

**Written guilty plea: special rules**

**24.8.**—(1) This rule applies where—

- (a) the offence alleged—
    - (i) can be tried only in a magistrates' court, and
    - (ii) is not one specified under section 12(1)(a) of the Magistrates' Courts Act 1980<sup>(1)</sup>;
  - (b) the defendant is at least 16 years old;
  - (c) the prosecutor has served on the defendant—
    - (i) the summons or requisition,
    - (ii) the material listed in paragraph (2) on which the prosecutor relies to set out the facts of the offence,
    - (iii) the material listed in paragraph (3) on which the prosecutor relies to provide the court with information relevant to sentence,
    - (iv) a notice that the procedure set out in this rule applies, and
    - (v) a notice for the defendant's use if the defendant wants to plead guilty without attending court; and
  - (d) the prosecutor has served on the court officer—
    - (i) copies of those documents, and
    - (ii) a certificate of service of those documents on the defendant.
- (2) The material that the prosecutor must serve to set out the facts of the offence is—
- (a) a summary of the evidence on which the prosecution case is based;
  - (b) any—
    - (i) written witness statement to which Part 16 (Written witness statements) applies, or
    - (ii) document or extract setting out facts; or
  - (c) any combination of such a summary, statement, document or extract.
- (3) The material that the prosecutor must serve to provide information relevant to sentence is—
- (a) details of any previous conviction of the defendant which the prosecutor considers relevant, other than any conviction listed in the defendant's driving record;

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<sup>(1)</sup> 1980 c. 43; section 12(1)(a) was amended by sections 308 and 332 of, and Part 12 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44).

- (b) if applicable, a notice that the defendant's driving record will be made available to the court;
  - (c) a notice containing or describing any other information about the defendant, relevant to sentence, which will be made available to the court.
- (4) A defendant who wants to plead guilty without attending court must, before the hearing date specified in the summons or requisition—
- (a) serve a notice of guilty plea on the court officer; and
  - (b) include with that notice—
    - (i) any representations that the defendant wants the court to consider, and
    - (ii) a statement of the defendant's assets and other financial circumstances.
- (5) A defendant who wants to withdraw such a notice must notify the court officer in writing before the hearing date.
- (6) If the defendant does not withdraw the notice before the hearing date, then on or after that date—
- (a) to establish the facts of the offence and other information about the defendant relevant to sentence, the court may take account only of—
    - (i) information contained in a document served by the prosecutor under paragraph (1),
    - (ii) any previous conviction listed in the defendant's driving record, where the offence is under the Road Traffic Regulation Act 1984<sup>(2)</sup>, the Road Traffic Act 1988<sup>(3)</sup>, the Road Traffic (Consequential Provisions) Act 1988<sup>(4)</sup> or the Road Traffic (Driver Licensing and Information Systems) Act 1989<sup>(5)</sup>,
    - (iii) any other information about the defendant, relevant to sentence, of which the prosecutor served notice under paragraph (1), and
    - (iv) any representations and any other information served by the defendant under paragraph (4)
 and rule 24.11(3) to (9) inclusive must be read accordingly;
  - (b) unless the court otherwise directs, the prosecutor need not attend; and
  - (c) the court may accept such a guilty plea and pass sentence in the defendant's absence.
- (7) With the defendant's agreement, the court may deal with the case in the same way as under paragraph (6) where the defendant is present and—
- (a) has served a notice of guilty plea under paragraph (4); or
  - (b) pleads guilty there and then.

*[Note. The procedure set out in this rule is prescribed by sections 12 and 12A of the Magistrates' Courts Act 1980<sup>(6)</sup>. Under section 12(1)(a), the Secretary of State can specify offences to which the procedure will not apply. None has been specified.]*

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(2) 1984 c. 27.  
 (3) 1988 c. 52.  
 (4) 1988 c. 54.  
 (5) 1989 c. 22.  
 (6) 1980 c. 43; section 12 was amended by section 45 of, and paragraph 1 of Schedule 5 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 1 of the Magistrates' Courts (Procedure) Act 1998 (c. 15), section 109 of, and paragraph 203 of Schedule 8 to, the Courts Act 2003 (c. 39), section 308 of, and Part 12 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44) and section 81 of the Deregulation Act 2015 (c. 20). Section 12A was inserted by section 45 of, and paragraph 2 of Schedule 5 to, the Criminal Justice and Public Order Act 1994 (c. 33) and amended by section 109 of, and paragraph 204 of Schedule 8 to, the Courts Act 2003 (c. 39).

*Under section 1 of the Magistrates' Courts Act 1980(7) a justice of the peace may issue a summons requiring a defendant to attend court to answer an allegation of an offence. Under section 29 of the Criminal Justice Act 2003(8) a prosecutor authorised under that section may issue a written charge alleging an offence and a requisition requiring a defendant to attend court. Part 7 contains relevant rules.*

*For the court's power, where this rule applies, to take account of a previous conviction listed in a defendant's driving record, see section 13(3A) of the Road Traffic Offenders Act 1988(9).*

*The Practice Direction sets out forms of notice for use in connection with this rule.]*

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- (7) 1980 c. 43; section 1 was amended by section 68 of, and paragraph 6 of Schedule 8 to, the Criminal Justice Act 1991 (c. 53), sections 43 and 109 of, and Schedule 10 to, the Courts Act 2003 (c. 39), section 31 of, and paragraph 12 of Schedule 7 to, the Criminal Justice Act 2003 (c. 44) and section 153 of the Police Reform and Social Responsibility Act 2011. It is further amended by paragraphs 7 and 8 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.
- (8) 2003 c. 44; section 29 has been brought into force for certain purposes only (see S.I. 2007/1999, 2008/1424, 2009/2879, 2010/3005, 2011/2188, 2012/825 and 2014/633). It was amended by section 50 of, and paragraph 130 of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11), section 59 of, and paragraph 196 of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15), section 15 of, and paragraph 187 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22), S.I. 2014/834 and section 46 of the Criminal Justice and Courts Act 2015 (c. 2).
- (9) 1988 c. 53; section 13(3A) was inserted by section 2 of the Magistrates' Courts (Procedure) Act 1998 (c. 15).