
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 25

TRIAL AND SENTENCE IN THE CROWN COURT

When this Part applies

25.1. This Part applies in the Crown Court where—

- (a) the court tries a case; or
- (b) the defendant pleads guilty.

[Note. The Crown Court's powers to try an allegation of an offence are contained in sections 45 and 46 of the Senior Courts Act 1981(1).

The exercise of the court's powers is affected by—

- (a) *the classification of the offence (and the general rule, subject to exceptions, is that the Crown Court must try—*
 - (i) *an offence classified as one that can be tried only in the Crown Court (in other legislation, described as triable only on indictment), and*
 - (ii) *an offence classified as one that can be tried either in a magistrates' court or in the Crown Court (in other legislation, described as triable either way) that has been allocated for trial in the Crown Court); and*
- (b) *the defendant's age (and the general rule is that an allegation of an offence against a defendant under 18 must be tried in a magistrates' court sitting as a youth court, irrespective of the classification of the offence and without allocation for trial there, unless the offence is—*
 - (i) *one of homicide,*
 - (ii) *one for which a convicted adult could be imprisoned for 14 years or more,*
 - (iii) *one of certain specified offences involving firearms, or*
 - (iv) *one of certain specified sexual offences).*

See sections 17 and 24 of the Magistrates' Courts Act 1980(2) and section 51A of the Crime and Disorder Act 1998(3).

(1) 1981 c. 54.

(2) 1980 c. 43; section 24 was amended by paragraph 47 of Schedule 14 to the Criminal Justice Act 1982 (c. 48), sections 17, 68 and 101 of, and paragraph 6 of Schedule 8 and Schedule 13 to, the Criminal Justice Act 1991 (c. 53), paragraph 40 of Schedule 10, and Schedule 11, to the Criminal Justice and Public Order Act 1994 (c. 33), sections 47 and 119 of, and paragraph 40 of Schedule 8, to the Crime and Disorder Act 1998 (c. 37), paragraph 64 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 42 of, and paragraphs 1 and 9 of Schedule 3, and Part 4 of Schedule 37, to the Criminal Justice Act 2003 (c. 44) and sections 49 and 65 of, and paragraph 1 of Schedule 1 and Schedule 5 to, the Violent Crime Reduction Act 2006 (c. 38).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Under section 34A of the Children and Young Persons Act 1933(4), the court—

- (a) may require the defendant's parents or guardian to attend court with the defendant, where the defendant is under 18; and*
- (b) must do so, where the defendant is under 16,*

unless satisfied that that would be unreasonable. Part 46 (Representatives) contains rules allowing a parent, guardian or other supporting adult to help a defendant under 18.]

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- (3)** 1998 c. 37; section 51A was inserted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) and amended by section 49 of, and paragraph 5 of Schedule 1 to, the Violent Crime Reduction Act 2006 (c. 38) and paragraph 6 of Schedule 21 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).
 - (4)** 1933 c. 12; section 34A was inserted by section 56 of the Criminal Justice Act 1991 (c. 53) and amended by section 107 of, and paragraph 1 of Schedule 5 to, the Local Government Act 2000 (c. 22).