
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 21

ADVANCE INFORMATION

Contents of this Part

Scope of procedure for furnishing advance information	rule 21.1
Notice to accused regarding advance information	rule 21.2
Request for advance information	rule 21.3
Refusal of request for advance information	rule 21.4
Duty of court regarding advance information	rule 21.5
Adjournment pending furnishing of advance information	rule 21.6

Scope of procedure for furnishing advance information

21.1. This Part applies in respect of proceedings against any person (“the accused”) for an offence triable either way.

[Note. Formerly rule 2 of the Magistrates' Courts (Advance Information) Rules 1985(1).]

Notice to accused regarding advance information

21.2. As soon as practicable after a person has been charged with an offence in proceedings in respect of which this Part applies or a summons has been served on a person in connection with such an offence, the prosecutor shall provide him with a notice in writing explaining the effect of rule 21.3 and setting out the address at which a request under that section may be made.

[Note. Formerly rule 3 of the Magistrates' Courts (Advance Information) Rules 1985.]

Request for advance information

21.3.—(1) If, in any proceedings in respect of which this Part applies, either before the magistrates' court considers whether the offence appears to be more suitable for summary trial or trial on indictment or, where the accused has not attained the age of 18 years when he appears or is brought before a magistrates' court, before he is asked whether he pleads guilty or not guilty, the accused or

a person representing the accused requests the prosecutor to furnish him with advance information, the prosecutor shall, subject to rule 21.4, furnish him as soon as practicable with either—

- (a) a copy of those parts of every written statement which contain information as to the facts and matters of which the prosecutor proposes to adduce evidence in the proceedings; or
- (b) a summary of the facts and matters of which the prosecutor proposes to adduce evidence in the proceedings.

(2) In paragraph (1) above, “written statement” means a statement made by a person on whose evidence the prosecutor proposes to rely in the proceedings and, where such a person has made more than one written statement one of which contains information as to all the facts and matters in relation to which the prosecutor proposes to rely on the evidence of that person, only that statement is a written statement for purposes of paragraph (1) above.

(3) Where in any part of a written statement or in a summary furnished under paragraph (1) above reference is made to a document on which the prosecutor proposes to rely, the prosecutor shall, subject to rule 21.4, when furnishing the part of the written statement or the summary, also furnish either a copy of the document or such information as may be necessary to enable the person making the request under paragraph (1) above to inspect the document or a copy thereof.

[Note. Formerly rule 4 of the Magistrates' Courts (Advance Information) Rules 1985.]

Refusal of request for advance information

21.4.—(1) If the prosecutor is of the opinion that the disclosure of any particular fact or matter in compliance with the requirements imposed by rule 21.3 might lead to any person on whose evidence he proposes to rely in the proceedings being intimidated, to an attempt to intimidate him being made or otherwise to the course of justice being interfered with, he shall not be obliged to comply with those requirements in relation to that fact or matter.

(2) Where, in accordance with paragraph (1) above, the prosecutor considers that he is not obliged to comply with the requirements imposed by rule 21.3 in relation to any particular fact or matter, he shall give notice in writing to the person who made the request under that section to the effect that certain advance information is being withheld by virtue of that paragraph.

[Note. Formerly rule 5 of the Magistrates' Courts (Advance Information) Rules 1985.]

Duty of court regarding advance information

21.5.—(1) Subject to paragraph (2), where an accused appears or is brought before a magistrates' court in proceedings in respect of which this Part applies, the court shall, before it considers whether the offence appears to be more suitable for summary trial or trial on indictment, satisfy itself that the accused is aware of the requirements which may be imposed on the prosecutor under rule 21.3.

(2) Where the accused has not attained the age of 18 years when he appears or is brought before a magistrates' court in proceedings in respect of which this rule applies, the court shall, before the accused is asked whether he pleads guilty or not guilty, satisfy itself that the accused is aware of the requirements which may be imposed on the prosecutor under rule 21.3.

[Note. Formerly rule 6 of the Magistrates' Courts (Advance Information) Rules 1985.]

Adjournment pending furnishing of advance information

21.6.—(1) If, in any proceedings in respect of which this Part applies, the court is satisfied that, a request under rule 21.3 having been made to the prosecutor by or on behalf of the accused, a requirement imposed on the prosecutor by that section has not been complied with, the court shall adjourn the proceedings pending compliance with the requirement unless the court is satisfied that

the conduct of the case for the accused will not be substantially prejudiced by non-compliance with the requirement.

(2) Where, in the circumstances set out in paragraph (1) above, the court decides not to adjourn the proceedings, a record of that decision and of the reasons why the court was satisfied that the conduct of the case for the accused would not be substantially prejudiced by non-compliance with the requirement shall be entered in the register kept under rule 6.1.

[Note. Formerly rule 7 of the Magistrates' Courts (Advance Information) Rules 1985.]