
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 37

SUMMARY TRIAL

Contents of this Part

Order of evidence and speeches: information	rule 37.1
Procedure where accused is not legally represented	rule 37.2
Adjournment of trial of information	rule 37.3
Formal admissions	rule 37.4
Notice of intention to cite previous convictions	rule 37.5
Preservation of depositions after summary trial	rule 37.6
Order of evidence and speeches: complaint	rule 37.7

Order of evidence and speeches: information

37.1.—(1) On the summary trial of an information, where the accused does not plead guilty, the prosecutor shall call the evidence for the prosecution, and before doing so may address the court.

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

(3) At the conclusion of the evidence, if any, for the defence, the prosecutor 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 accused 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 both parties address the court twice the prosecutor shall address the court for the second time before the accused does so.

[Note. Formerly rule 13 of the Magistrates' Courts Rules 1981(1).]

Procedure on information where accused is not legally represented

37.2.—(1) The court shall explain to an accused who is not legally represented the substance of the charge in simple language.

(2) If an accused who is not legally represented, instead of asking a witness in support of the charge questions by way of cross-examination, makes assertions, the court shall then put to the witness such questions as it thinks necessary on behalf of the accused and may for this purpose question the accused in order to bring out or clear up any point arising out of such assertions.

[Note. Formerly rule 13A of the Magistrates' Courts Rules 1981.]

Adjournment of trial of information

37.3.—(1) Where in the absence of the accused a magistrates' court adjourns the trial of an information, the court officer shall give to the accused notice in writing of the time and place at which the trial is to be resumed.

(2) Service of the notice required to be given by paragraph (1) may be effected in any manner in which service of a summons may be effected under rule 4.1(1) or (3).

[Note. Formerly rule 15 of the Magistrates' Court Rules 1981.]

Formal admissions

37.4. Where under section 10 of the Criminal Justice Act 1967(2) a fact is admitted orally in court by or on behalf of the prosecutor or defendant for the purposes of the summary trial of an offence the court shall cause the admission to be written down and signed by or on behalf of the party making the admission.

[Note. Formerly rule 71 of the Magistrates' Courts Rules 1981.]

Notice of intention to cite previous convictions

37.5. Service on any person of a notice of intention to cite previous convictions under section 104 of the Magistrates' Courts Act 1980(3) or section 13 of the Road Traffic Offenders Act 1988(4) may be effected by delivering it to him or by sending it by post in a registered letter or by recorded delivery service, or by first class post addressed to him at his last known or usual place of abode.

[Note. Formerly rule 72 of the Magistrates' Courts Rules 1981.]

Preservation of depositions where offence triable either way is dealt with summarily

37.6. The magistrates' court officer for the magistrates' court by which any person charged with an offence triable either way has been tried summarily shall preserve for a period of three years such depositions as have been taken.

[Note. Formerly rule 22 of the Magistrates' Courts Rules 1981.]

(2) 1967 c. 80.

(3) 1980 c. 43; section 104 was amended by the Criminal Justice Act 1991 (c. 53), Schedule 11, paragraph 40(1) and (2)(n).

(4) 1988 c. 53; relevant amendments were made to section 13 by the Criminal Procedure and Investigations Act (c. 25), Schedule 1, paragraph 36 and S.I. 2004/2035, Schedule, paragraphs 29 and 31. It is further amended by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), Schedule 2, paragraph 20 and the Criminal Justice Act 2003 (c. 44), Schedule 3, Part 2, paragraph 61(1), (3) and Schedule 37, Part 4, with effect from dates to be appointed.

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).]