
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 37

TRIAL AND SENTENCE IN A MAGISTRATES' COURT

Written guilty plea: special rules

37.8.—(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⁽¹⁾;
- (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 on which the prosecutor relies to set out the facts of the offence and to provide information relevant to sentence,
 - (iii) a notice that the procedure set out in this rule applies, and
 - (iv) 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) 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 any representations that the defendant wants the court to consider on that date.

(3) A defendant who wants to withdraw such a notice must notify the court officer in writing before the hearing date.

(4) The court may accept such a guilty plea on the hearing date, and if it does so must take account only of—

- (a) the material served by the prosecutor on the defendant under this rule; and
- (b) any representations by the defendant.

⁽¹⁾ 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 \(c. 44\)](#).

Status: This is the original version (as it was originally made).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

(5) With the defendant's agreement, the court may deal with the case in the same way as under paragraph (4) where the defendant—

- (a) is present; and
- (b) has served a notice of guilty plea under paragraph (2); or
- (c) 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(2). Under section 12(1)(a), the Secretary of State can specify offences to which the procedure will not apply. None has been specified.

Under section 1 of the Magistrates' Courts Act 1980(3) 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(4) a public prosecutor listed in that section may issue a written charge alleging an offence and a requisition requiring a defendant to attend court. Part 7 contains relevant rules.

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

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- (2) 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) and sections 308 and 332 of, and Part 12 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44). 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).
 - (3) 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) and sections 31, 331 and 332 of, and Schedule 7 and paragraphs 7 and 8 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44). It is further amended by section 331 of, and paragraphs 7 and 8 of Schedule 36 to, the Criminal Justice Act (c. 44), with effect from a date to be appointed.
 - (4) 2003 c. 44; section 29 has been brought into force for certain purposes only (see S.I. 2007/1999, S.I. 2008/1424 and S.I. 2009/2879). It was amended by section 50 of, and paragraph 130 of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11) and section 59 of, and paragraph 196 of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15).