
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 7

STARTING A PROSECUTION IN A MAGISTRATES' COURT

Information and written charge

- 7.2.**—(1) A prosecutor who wants the court to issue a summons must—
- (a) serve an information in writing on the court officer; or
 - (b) unless other legislation prohibits this, present an information orally to the court, with a written record of the allegation that it contains.
- (2) A prosecutor who wants the court to issue a warrant must—
- (a) serve on the court officer—
 - (i) an information in writing, or
 - (ii) a copy of a written charge that has been issued; or
 - (b) present to the court either of those documents.
- (3) A public prosecutor who issues a written charge must notify the court officer immediately.
- (4) A single document may contain—
- (a) more than one information; or
 - (b) more than one written charge.
- (5) Where an offence can be tried only in a magistrates' court, then unless other legislation otherwise provides—
- (a) a prosecutor must serve an information on the court officer or present it to the court; or
 - (b) a public prosecutor must issue a written charge,
- not more than 6 months after the offence alleged.
- (6) Where an offence can be tried in the Crown Court then—
- (a) a prosecutor must serve an information on the court officer or present it to the court; or
 - (b) a public prosecutor must issue a written charge,
- within any time limit that applies to that offence.

[Note. In some legislation, including the Magistrates' Courts Act 1980, serving an information on the court officer or presenting it to the court is described as 'laying' that information.

The time limits for serving or presenting an information and for issuing a written charge are prescribed by section 127 of the Magistrates' Courts Act 1980(1) and section 30(5) of the Criminal Justice Act 2003(2).

(1) 1980 c. 43.
(2) 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Status: This is the original version (as it was originally made).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.

Part 2 contains rules allowing someone with a prosecutor's authority, on that prosecutor's behalf, to—

- (a) serve on the court officer or present to the court an information; or*
- (b) issue a written charge and requisition.*

See Part 3 for the court's general powers of case management, including power to consider applications and give directions for (among other things) the amendment of an information or charge and for separate trials.

See also Part 44 (Breach, revocation and amendment of community and other orders in a magistrates' court). Rule 44.2(2) (Application by responsible officer) applies rules 7.2 to 7.4 to the procedure with which that rule deals.

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