
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 7

STARTING A PROSECUTION IN A MAGISTRATES' COURT

Summons, warrant and requisition

- 7.4.**—(1) The court may issue or withdraw a summons or warrant—
- (a) without giving the parties an opportunity to make representations; and
 - (b) without a hearing, or at a hearing in public or in private.
- (2) A summons, warrant or requisition may be issued in respect of more than one offence.
- (3) A summons or requisition must—
- (a) contain notice of when and where the defendant is required to attend the court;
 - (b) specify each offence in respect of which it is issued; and
 - (c) identify the person under whose authority it is issued.
- (4) A summons may be contained in the same document as an information.
- (5) A requisition may be contained in the same document as a written charge.
- (6) Where the court issues a summons—
- (a) the prosecutor must—
 - (i) serve it on the defendant, and
 - (ii) notify the court officer; or
 - (b) the court officer must—
 - (i) serve it on the defendant, and
 - (ii) notify the prosecutor.
- (7) Where a public prosecutor issues a requisition that prosecutor must—
- (a) serve on the defendant—
 - (i) the requisition, and
 - (ii) the written charge; and
 - (b) serve a copy of each on the court officer.
- (8) Unless it would be inconsistent with other legislation, a replacement summons or requisition may be issued without a fresh information or written charge where the one replaced—
- (a) was served by leaving or posting it under rule 4.7 (documents that must be served only by handing them over, leaving or posting them); but
 - (b) is shown not to have been received by the addressee.

Status: This is the original version (as it was originally made).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

(9) A summons or requisition issued to a defendant under 18 may require that defendant's parent or guardian to attend the court with the defendant, or a separate summons or requisition may be issued for that purpose.

[Note. Part 18 contains other rules about warrants.]

Section 47 of the Magistrates' Courts Act 1980(1) and section 30(5) of the Criminal Justice Act 2003 make special provision about time limits under other legislation for the issue and service of a summons or requisition, where service by post is not successful.

Section 34A of the Children and Young Persons Act 1933(2) allows, and in some cases requires, the court to summon the parent or guardian of a defendant under 18.]

(1) 1980 c. 43; section 47 was amended by section 109(1) of, and paragraph 207 of Schedule 8 to, the Courts Act 2003 (c. 39).
(2) 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).