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STATUTORY INSTRUMENTS

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**2010 No. 60**

**The Criminal Procedure Rules 2010**

**PART 21**

**INITIAL DETAILS OF THE PROSECUTION CASE**

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**When this Part applies**

**21.1.**—(1) This Part applies in a magistrates' court, where the offence is one that can be tried in a magistrates' court.

(2) The court may direct that, for a specified period, this Part will not apply—

- (a) to any case in that court; or
- (b) to any specified category of case.

*[Note. An offence may be classified as—*

- (a) *one that can be tried only in a magistrates' court (in other legislation, described as triable only summarily);*
- (b) *one that can be tried either in a magistrates' court or in the Crown Court (in other legislation, described as triable either way); or*
- (c) *one that can be tried only in the Crown Court (in other legislation, described as triable only on indictment).*

*See the definitions contained in Schedule 1 to the Interpretation Act 1978(1). In some circumstances, the Crown Court can try an offence that usually can be tried only in a magistrates' court.*

*This Part does not apply where an offence can be tried only in the Crown Court. In such a case, details are served on the defendant after the case is sent for trial. Part 12 contains relevant rules.]*

**Providing initial details of the prosecution case**

**21.2.** The prosecutor must provide initial details of the prosecution case by—

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(1) 1978 c. 30; Schedule 1 was amended by and section 154 of, and Schedule 7 to, the Magistrates' Courts Act 1980 (c. 43), section 170 of, and paragraph 59 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33) and section 41 of, and paragraph 49 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44). Other amendments to Schedule 1 are not relevant to procedure in magistrates' courts.

- (a) serving those details on the court officer; and
  - (b) making those details available to the defendant,
- at, or before, the beginning of the day of the first hearing.

**Content of initial details**

**21.3.** Initial details of the prosecution case must include—

- (a) a summary of the evidence on which that case will be based; or
- (b) any statement, document or extract setting out facts or other matters on which that case will be based; or
- (c) any combination of such a summary, statement, document or extract; and
- (d) the defendant’s previous convictions.