
STATUTORY INSTRUMENTS

2014 No. 1610

The Criminal Procedure Rules 2014

PART 38

TRIAL AND SENTENCE IN THE CROWN COURT

Summing up the case to the jury and taking the verdict

- 38.14.**—(1) This rule applies—
- (a) where there is a jury; and
 - (b) after following the sequence in rule 38.9 (Procedure on plea of not guilty).
- (2) The court must—
- (a) give the jury directions about the relevant law;
 - (b) summarise for the jury the evidence relevant to the issues they must decide;
 - (c) give the jury such questions, if any, as the court invites jurors to answer in coming to a verdict;
 - (d) direct the jury to retire to consider its verdict;
 - (e) if necessary, recall the jury to answer jurors' questions;
 - (f) if appropriate, recall the jury to give directions for a verdict by a majority; and
 - (g) recall the jury when it informs the court that it has reached a verdict.
- (3) The court may give the jury directions and questions in writing.
- (4) When the court recalls the jury to deliver its verdict, the court must ask the foreman chosen by the jury, in respect of each count—
- (a) whether the jury has reached a verdict on which all the jurors agree;
 - (b) if so, whether that verdict is guilty or not guilty;
 - (c) if not, where the jury has deliberated for at least 2 hours and if the court decides to invite a majority verdict, then—
 - (i) whether at least 10 (of 11 or 12 jurors), or 9 (of 10 jurors), agreed on a verdict,
 - (ii) if so, is that verdict guilty or not guilty, and
 - (iii) if (and only if) such a verdict is guilty, how many jurors agreed to that verdict and how many disagreed.
- (5) Where evidence has been given that the defendant was insane, so as not to be responsible for the act or omission charged as the offence, then under paragraph (4)(a) the court must ask whether the jury's verdict is guilty, not guilty, or not guilty by reason of insanity.

[Note. Under section 17 of the Juries Act 1974(1), the court may accept the verdict of a majority, as long as the jury has had at least 2 hours for deliberation.

Status: This is the original version (as it was originally made).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

Under section 6 of the Criminal Law Act 1967, the jury may convict a defendant of an offence other than one charged by the indictment if that offence is proved by the evidence.

The verdict to which rule 38.14(6) refers is provided for by section 2 of the Trial of Lunatics Act 1883⁽²⁾. The evidence required before such a verdict may be reached is prescribed by section 1 of the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991⁽³⁾.]

(2) 1883 c. 38; section 2 was amended by section 17 of, and Schedule 2 to, the Criminal Lunatics Act 1884 (c. 64) and sections 1 and 8 of the Criminal Procedure (Insanity) Act 1964 (c. 84).

(3) 1991 c. 25.