
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 3

CASE MANAGEMENT

PREPARATION FOR TRIAL IN THE CROWN COURT

Preparatory hearing

3.14.—(1) This rule applies where the Crown Court—

- (a) can order a preparatory hearing, under—
 - (i) section 7 of the Criminal Justice Act 1987⁽¹⁾ (cases of serious or complex fraud), or
 - (ii) section 29 of the Criminal Procedure and Investigations Act 1996⁽²⁾ (other complex, serious or lengthy cases);
- (b) must order such a hearing, to determine an application for a trial without a jury, under—
 - (i) section 44 of the Criminal Justice Act 2003⁽³⁾ (danger of jury tampering), or
 - (ii) section 17 of the Domestic Violence, Crime and Victims Act 2004⁽⁴⁾ (trial of sample counts by jury, and others by judge alone);
- (c) must order such a hearing, under section 29 of the 1996 Act, where section 29(1B) or (1C) applies (cases in which a terrorism offence is charged, or other serious cases with a terrorist connection).

(2) The court may decide whether to order a preparatory hearing—

- (a) on an application or on its own initiative;
- (b) at a hearing (in public or in private), or without a hearing;
- (c) in a party's absence, if that party—
 - (i) applied for the order, or
 - (ii) has had at least 14 days in which to make representations.

[Note. See also section 45(2) of the Criminal Justice Act 2003 and section 18(1) of the Domestic Violence, Crime and Victims Act 2004.

At a preparatory hearing, the court may—

(1) 1987 c. 38; section 7 is amended by paragraph 30 of Schedule 9 to the Criminal Justice and Public Order Act 1994 (c. 33), sections 72 and 80 of, paragraph 2 of Schedule 3 to, and Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25) and sections 45 and 310 of, and paragraphs 52 and 53 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44).

(2) 1996 c. 25; section 29 is amended by sections 45, 309 and 310 of, and paragraphs 65 and 66 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44) and section 16 of the Terrorism Act 2006 (c. 11).

(3) 2003 c. 44.

(4) 2004 c. 28.

Status: This is the original version (as it was originally made).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

- (a) *require the prosecution to set out its case in a written statement, to arrange its evidence in a form that will be easiest for the jury (if there is one) to understand, to prepare a list of agreed facts, and to amend the case statement following representations from the defence (section 9(4) of the 1987 Act, section 31(4) of the 1996 Act); and*
- (b) *require the defence to give notice of any objection to the prosecution case statement, and to give notice stating the extent of agreement with the prosecution as to documents and other matters and the reason for any disagreement (section 9(5) of the 1987 Act, section 31(6), (7), (9) of the 1996 Act).*

Under section 10 of the 1987 Act(5), and under section 34 of the 1996 Act(6), if either party later departs from the case or objections disclosed by that party, then the court, or another party, may comment on that, and the court may draw such inferences as appear proper.]

(5) 1987 c. 38; section 10 is amended by section 72 of, and paragraph 5 of Schedule 3 to, the Criminal Procedure and Investigations Act 1996 (c. 25), and paragraphs 52 and 55 of Schedule 36 to the Criminal Justice Act 2003 (c. 44).

(6) 1996 c. 25; section 34 is amended by paragraphs 65 and 68 of Schedule 36 to the Criminal Justice Act 2003 (c. 44).