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STATUTORY INSTRUMENTS

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**2015 No. 1490**

**The Criminal Procedure Rules 2015**

**PART 3**

**CASE MANAGEMENT**

*GENERAL RULES*

**Case preparation and progression**

**3.9.**—(1) At every hearing, if a case cannot be concluded there and then the court must give directions so that it can be concluded at the next hearing or as soon as possible after that.

(2) At every hearing the court must, where relevant—

- (a) if the defendant is absent, decide whether to proceed nonetheless;
- (b) take the defendant's plea (unless already done) or if no plea can be taken then find out whether the defendant is likely to plead guilty or not guilty;
- (c) set, follow or revise a timetable for the progress of the case, which may include a timetable for any hearing including the trial or (in the Crown Court) the appeal;
- (d) in giving directions, ensure continuity in relation to the court and to the parties' representatives where that is appropriate and practicable; and
- (e) where a direction has not been complied with, find out why, identify who was responsible, and take appropriate action.

(3) In order to prepare for the trial, the court must take every reasonable step—

- (a) to encourage and to facilitate the attendance of witnesses when they are needed; and
- (b) to facilitate the participation of any person, including the defendant.

(4) Facilitating the participation of the defendant includes finding out whether the defendant needs interpretation because—

- (a) the defendant does not speak or understand English; or
- (b) the defendant has a hearing or speech impediment.

(5) Where the defendant needs interpretation—

- (a) the court officer must arrange for interpretation to be provided at every hearing which the defendant is due to attend;
- (b) interpretation may be by an intermediary where the defendant has a speech impediment, without the need for a defendant's evidence direction;
- (c) on application or on its own initiative, the court may require a written translation to be provided for the defendant of any document or part of a document, unless—

- (i) translation of that document, or part, is not needed to explain the case against the defendant, or

- (ii) the defendant agrees to do without and the court is satisfied that the agreement is clear and voluntary and that the defendant has had legal advice or otherwise understands the consequences;
- (d) on application by the defendant, the court must give any direction which the court thinks appropriate, including a direction for interpretation by a different interpreter, where—
  - (i) no interpretation is provided,
  - (ii) no translation is ordered or provided in response to a previous application by the defendant, or
  - (iii) the defendant complains about the quality of interpretation or of any translation.
- (6) Facilitating the participation of any person includes giving directions for the appropriate treatment and questioning of a witness or the defendant, especially where the court directs that such questioning is to be conducted through an intermediary.
- (7) Where directions for appropriate treatment and questioning are required, the court must—
  - (a) invite representations by the parties and by any intermediary; and
  - (b) set ground rules for the conduct of the questioning, which rules may include—
    - (i) a direction relieving a party of any duty to put that party's case to a witness or a defendant in its entirety,
    - (ii) directions about the manner of questioning,
    - (iii) directions about the duration of questioning,
    - (iv) if necessary, directions about the questions that may or may not be asked,
    - (v) where there is more than one defendant, the allocation among them of the topics about which a witness may be asked, and
    - (vi) directions about the use of models, plans, body maps or similar aids to help communicate a question or an answer.

*[Note. Part 18 (Measures to assist a witness or defendant to give evidence) contains rules about an application for a defendant's evidence direction under (among other provisions) sections 33BA and 33BB of the Youth Justice and Criminal Evidence Act 1999(1).*

*See also Directive 2010/64/EU of the European Parliament and of the Council of 20<sup>th</sup> October, 2010, on the right to interpretation and translation in criminal proceedings(2).*

*Where a trial in the Crown Court will take place in Wales and a participant wishes to use the Welsh language, see rule 3.26. Where a trial in a magistrates' court will take place in Wales, a participant may use the Welsh language: see rule 24.14.]*

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(1) 1999 c. 23; sections 33BA and 33BB are inserted by section 104 of the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.

(2) OJ L 280, 26.10.2010, p.1.