

**2015 No. 646 (L. 8)**

**SENIOR COURTS OF ENGLAND AND WALES**  
**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Criminal Procedure (Amendment No. 2) Rules 2015**

<i>Made</i> - - - -	<i>9th March 2015</i>
<i>Laid before Parliament</i>	<i>12th March 2015</i>
<i>Coming into force</i> - -	<i>6th April 2015</i>

The Criminal Procedure Rule Committee makes the following Rules under section 69 of the Courts Act 2003(a), after consulting in accordance with section 72(1)(a) of that Act.

**Citation, commencement and interpretation**

1. These Rules may be cited as the Criminal Procedure (Amendment No. 2) Rules 2015 and shall come into force on 6th April 2015.

2. In these Rules, a reference to a Part or rule by number alone means the Part or rule so numbered in the Criminal Procedure Rules 2014(b).

**Amendments to the Criminal Procedure Rules 2014**

3. In rule 3.9 (Case preparation and progression), in the third paragraph of the note to the rule for 'rule 37.13' substitute 'rule 37.14'.

4. In rule 4.7(2)(g) (Documents that must be served by specified methods), for 'rule 37.15(a)' substitute 'rule 37.16(a)'.

5. In Part 7 (Starting a prosecution in a magistrates' court)—

(a) in rule 7.1 (When this Part applies)—

(i) for paragraph (1)(b) substitute—

“(b) a prosecutor with the power to do so issues—

(i) a written charge and requisition, or

(ii) a written charge and single justice procedure notice

under section 29 of the Criminal Justice Act 2003(c);”

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(a) 2003 c. 39; section 69 was amended by sections 15(1) and 146 of, and paragraphs 308 and 332 of Schedule 4 and Part 2 of Schedule 18 to, the Constitutional Reform Act 2005 (c. 4).

(b) S.I. 2014/1610; amended by S.I. 2015/13.

(c) 2003 c. 44; section 29 has been brought into force for certain purposes only (see S.I. 2007/1999, S.I. 2008/1424 and S.I. 2009/2879). It was amended by section 50 of, and paragraph 130 of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11) and section 59 of, and paragraph 196 of Schedule 4 to, the Serious Organised Crime and Police

(ii) for paragraph (2) substitute—

“(2) In this Part, ‘authorised prosecutor’ means a prosecutor authorised under section 29 of the Criminal Justice Act 2003 to issue a written charge and requisition or single justice procedure notice.”, and

(iii) for the third paragraph of the note to the rule substitute—

“*Under section 29 of the Criminal Justice Act 2003, a prosecutor authorised under that section may issue a written charge alleging that someone has committed an offence, and either—*

(a) *a requisition requiring that person to attend court; or*

(b) *a notice that the single justice procedure under section 16A of the Magistrates’ Courts Act 1980(a) and rule 37.9 of these Rules applies.*

*Section 30 of the 2003 Act(b) contains other provisions about written charges, requisitions and single justice procedure notices.”;*

(b) in rule 7.2 (Information and written charge), for ‘public prosecutor’ substitute ‘authorised prosecutor’ in each place it occurs; and

(c) in rule 7.4 (Summons, warrant and requisition), in paragraph (7) for ‘public prosecutor’ substitute ‘authorised prosecutor’.

**6.** In Part 9 (Allocation and sending for trial), for ‘rule 37.10’ substitute ‘rule 37.11’ in each of—

(a) rule 9.9(2)(b) (Adult defendant: guilty plea);

(b) rule 9.11(3)(b)(ii) (Adult defendant: allocation for magistrates’ court trial); and

(c) rule 9.13(5)(b) (Young defendant).

**7.** In Part 37 (Trial and sentence in a magistrates’ court)—

(a) in rule 37.1 (When this Part applies)—

(i) in paragraph (1)(c), for ‘section 14 of the Magistrates’ Courts Act 1980’ substitute ‘section 14 or section 16E of the Magistrates’ Courts Act 1980(c)’,

(ii) in sub-paragraph (b) of the fourth paragraph of the note to the rule, for ‘rule 37.11(3)(e)’ substitute ‘rule 37.17’,

(iii) in the eighth paragraph of the note to the rule, for ‘rule 37.16’ substitute ‘rule 37.17’,

(iv) in the ninth paragraph of the note to the rule, for ‘rule 37.17’ substitute ‘rule 37.18’, and

(v) after the fourth paragraph of the note to the rule, insert—

“*Under section 16A of the Magistrates’ Courts Act 1980(d), the court may comprise a single justice where—*

(a) *the offence charged is a summary offence not punishable with imprisonment;*

(b) *the defendant was at least 18 years old when charged;*

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Act 2005 (c. 15). It is further amended by section 46 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.

(a) 1980 c. 43; section 16A is inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.

(b) 2003 c. 44; section 30 was amended by article 3 of, and paragraphs 45 and 46 of the Schedule to S.I. 2004/2035. It is further amended by section 47 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.

(c) 1980 c. 43; section 14 was amended by section 109 of, and paragraph 205 of Schedule 8 to, the Courts Act 2003 (c. 39). Section 16E is inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.

(d) 1980 c. 43; section 16A is inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.

- (c) *the court is satisfied that specified documents giving notice of the procedure under that section and containing other specified information have been served on the defendant; and*
- (d) *the defendant has not served notice of an intention to plead not guilty, or of a desire not to be tried in accordance with that section.*”;
- (b) in rule 37.2 (General rules)—
  - (i) after paragraph (3) insert—
 

“(4) Paragraphs (1) and (2) of this rule do not apply where the court tries a case under rule 37.9 (Single justice procedure: special rules).”, and
  - (ii) in the first paragraph of the note to the rule, after ‘sections 10’ insert ‘, 16A’;
- (c) in rule 37.3 (Procedure on plea of not guilty), in the sixth paragraph of the note to the rule, for ‘rule 37.10’ substitute ‘rule 37.11’;
- (d) for rule 37.8, substitute—

**“Written guilty plea: special rules**

**37.8.**—(1) This rule applies where—

- (a) the offence alleged—
  - (i) can be tried only in a magistrates’ court, and
  - (ii) is not one specified under section 12(1)(a) of the Magistrates’ Courts Act 1980(a);
- (b) the defendant is at least 16 years old;
- (c) the prosecutor has served on the defendant—
  - (i) the summons or requisition,
  - (ii) the material listed in paragraph (2) on which the prosecutor relies to set out the facts of the offence,
  - (iii) the material listed in paragraph (3) on which the prosecutor relies to provide the court with information relevant to sentence,
  - (iv) a notice that the procedure set out in this rule applies, and
  - (v) a notice for the defendant’s use if the defendant wants to plead guilty without attending court; and
- (d) the prosecutor has served on the court officer—
  - (i) copies of those documents, and
  - (ii) a certificate of service of those documents on the defendant.
- (2) The material that the prosecutor must serve to set out the facts of the offence is—
  - (a) a summary of the evidence on which the prosecution case is based;
  - (b) any—
    - (i) written witness statement to which Part 27 (Witness statements) applies, or
    - (ii) document or extract setting out facts; or
  - (c) any combination of such a summary, statement, document or extract.
- (3) The material that the prosecutor must serve to provide information relevant to sentence is—
  - (a) details of any previous conviction of the defendant which the prosecutor considers relevant, other than any conviction listed in the defendant’s driving record;

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(a) 1980 c. 43; section 12(1)(a) was amended by sections 308 and 332 of, and Part 12 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44).

- (b) if applicable, a notice that the defendant’s driving record will be made available to the court;
  - (c) a notice containing or describing any other information about the defendant, relevant to sentence, which will be made available to the court.
- (4) A defendant who wants to plead guilty without attending court must, before the hearing date specified in the summons or requisition—
- (a) serve a notice of guilty plea on the court officer; and
  - (b) include with that notice—
    - (i) any representations that the defendant wants the court to consider, and
    - (ii) a statement of the defendant’s assets and other financial circumstances.
- (5) A defendant who wants to withdraw such a notice must notify the court officer in writing before the hearing date.
- (6) If the defendant does not withdraw the notice before the hearing date, then on or after that date—
- (a) to establish the facts of the offence and other information about the defendant relevant to sentence, the court may take account only of—
    - (i) information contained in a document served by the prosecutor under paragraph (1),
    - (ii) any previous conviction listed in the defendant’s driving record, where the offence is under the Road Traffic Regulation Act 1984(a), the Road Traffic Act 1988(b), the Road Traffic (Consequential Provisions) Act 1988(c) or the Road Traffic (Driver Licensing and Information Systems) Act 1989(d),
    - (iii) any other information about the defendant, relevant to sentence, of which the prosecutor served notice under paragraph (1), and
    - (iv) any representations and any other information served by the defendant under paragraph (4) and rule 37.11(3) to (9) inclusive must be read accordingly;
  - (b) unless the court otherwise directs, the prosecutor need not attend; and
  - (c) the court may accept such a guilty plea and pass sentence in the defendant’s absence.
- (7) With the defendant’s agreement, the court may deal with the case in the same way as under paragraph (6) where the defendant is present and—
- (a) has served a notice of guilty plea under paragraph (4); or
  - (b) pleads guilty there and then.

*[Note. The procedure set out in this rule is prescribed by sections 12 and 12A of the Magistrates’ Courts Act 1980(e). Under section 12(1)(a), the Secretary of State can specify offences to which the procedure will not apply. None has been specified.]*

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(a) 1984 c. 27.  
 (b) 1988 c. 52.  
 (c) 1988 c. 54.  
 (d) 1989 c. 22.  
 (e) 1980 c. 43; section 12 was amended by section 45 of, and paragraph 1 of Schedule 5 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 1 of the Magistrates’ Courts (Procedure) Act 1998 (c. 15), section 109 of, and paragraph 203 of Schedule 8 to, the Courts Act 2003 (c. 39) and sections 308 and 332 of, and Part 12 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44). Section 12A was inserted by section 45 of, and paragraph 2 of Schedule 5 to, the Criminal Justice and Public Order Act 1994 (c. 33) and amended by section 109 of, and paragraph 204 of Schedule 8 to, the Courts Act 2003 (c. 39).

*Under section 1 of the Magistrates' Courts Act 1980(a) a justice of the peace may issue a summons requiring a defendant to attend court to answer an allegation of an offence. Under section 29 of the Criminal Justice Act 2003(b) a prosecutor authorised under that section may issue a written charge alleging an offence and a requisition requiring a defendant to attend court. Part 7 contains relevant rules.*

*For the court's power, where this rule applies, to take account of a previous conviction listed in a defendant's driving record, see section 13(3A) of the Road Traffic Offenders Act 1988(c).*

*The Practice Direction sets out forms of notice for use in connection with this rule.]”;*

(e) after rule 37.8, insert—

**“Single justice procedure: special rules**

**37.9.**—(1) This rule applies where—

- (a) the offence alleged—
  - (i) can be tried only in a magistrates' court, and
  - (ii) is not one punishable with imprisonment;
- (b) the defendant is at least 18 years old;
- (c) the prosecutor has served on the defendant—
  - (i) a written charge,
  - (ii) the material listed in paragraph (2) on which the prosecutor relies to set out the facts of the offence,
  - (iii) the material listed in paragraph (3) on which the prosecutor relies to provide the court with information relevant to sentence,
  - (iv) a notice that the procedure set out in this rule applies,
  - (v) a notice for the defendant's use if the defendant wants to plead guilty,
  - (vi) a notice for the defendant's use if the defendant wants to plead guilty but wants the case dealt with at a hearing by a court comprising more than one justice, and
  - (vii) a notice for the defendant's use if the defendant wants to plead not guilty; and
- (d) the prosecutor has served on the court officer—
  - (i) copies of those documents, and
  - (ii) a certificate of service of those documents on the defendant.

(2) The material that the prosecutor must serve to set out the facts of the offence is—

- (a) a summary of the evidence on which the prosecution case is based;
- (b) any—
  - (i) written witness statement to which Part 27 (Witness statements) applies, or
  - (ii) document or extract setting out facts; or

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(a) 1980 c. 43; section 1 was amended by section 68 of, and paragraph 6 of Schedule 8 to, the Criminal Justice Act 1991 (c. 53), sections 43 and 109 of, and Schedule 10 to, the Courts Act 2003 (c. 39), section 31 of, and paragraph 12 of Schedule 7 to, the Criminal Justice Act 2003 (c. 44) and section 153 of the Police Reform and Social Responsibility Act 2011. It is further amended by paragraphs 7 and 8 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(b) 2003 c. 44; section 29 has been brought into force for certain purposes only (see S.I. 2007/1999, S.I. 2008/1424 and S.I. 2009/2879). It was amended by section 50 of, and paragraph 130 of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11) and section 59 of, and paragraph 196 of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15). It is further amended by section 46 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.

(c) 1988 c. 53; section 13(3A) was inserted by section 2 of the Magistrates' Courts (Procedure) Act 1998 (c. 15).

- (c) any combination of such a summary, statement, document or extract.
- (3) The material that the prosecutor must serve to provide information relevant to sentence is—
- (a) details of any previous conviction of the defendant which the prosecutor considers relevant, other than any conviction listed in the defendant’s driving record;
  - (b) if applicable, a notice that the defendant’s driving record will be made available to the court;
  - (c) a notice containing or describing any other information about the defendant, relevant to sentence, which will be made available to the court.
- (4) Not more than 21 days after service on the defendant of the documents listed in paragraph (1)(c)—
- (a) a defendant who wants to plead guilty must serve a notice to that effect on the court officer and include with that notice—
    - (i) any representations that the defendant wants the court to consider, and
    - (ii) a statement of the defendant’s assets and other financial circumstances;
  - (b) a defendant who wants to plead guilty but wants the case dealt with at a hearing by a court comprising more than one justice must serve a notice to that effect on the court officer;
  - (c) a defendant who wants to plead not guilty must serve a notice to that effect on the court officer.
- (5) If within 21 days of service on the defendant of the documents listed in paragraph (1)(c) the defendant serves a notice to plead guilty under paragraph (4)(a)—
- (a) the court officer must arrange for the court to deal with the case in accordance with that notice; and
  - (b) the time for service of any other notice under paragraph (4) expires at once.
- (6) If within 21 days of service on the defendant of the documents listed in paragraph (1)(c) the defendant wants to withdraw a notice which he or she has served under paragraph (4)(b) (notice to plead guilty at a hearing) or under paragraph (4)(c) (notice to plead not guilty), the defendant must—
- (a) serve notice of that withdrawal on the court officer; and
  - (b) serve any substitute notice under paragraph (4).
- (7) Paragraph (8) applies where by the date of trial the defendant has not—
- (a) served notice under paragraph (4)(b) or (c) of wanting to plead guilty at a hearing, or wanting to plead not guilty; or
  - (b) given notice to that effect under section 16B(2) of the Magistrates’ Courts Act 1980(a).
- (8) Where this paragraph applies—
- (a) the court may try the case in the parties’ absence and without a hearing;
  - (b) the court may accept any guilty plea of which the defendant has given notice under paragraph (4)(a);
  - (c) to establish the facts of the offence and other information about the defendant relevant to sentence, the court may take account only of—
    - (i) information contained in a document served by the prosecutor under paragraph (1),

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(a) 1980 c. 43; section 16B is inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.

- (ii) any previous conviction listed in the defendant’s driving record, where the offence is under the Road Traffic Regulation Act 1984, the Road Traffic Act 1988, the Road Traffic (Consequential Provisions) Act 1988 or the Road Traffic (Driver Licensing and Information Systems) Act 1989,
  - (iii) any other information about the defendant, relevant to sentence, of which the prosecutor served notice under paragraph (1), and
  - (iv) any representations and any other information served by the defendant under paragraph (4)(a)
- and rule 37.11(3) to (9) inclusive must be read accordingly.

(9) Paragraph (10) applies where—

- (a) the defendant serves on the court officer a notice under paragraph (4)(b) or (c); or
- (b) the court which tries the defendant under paragraph (8) adjourns the trial for the defendant to attend a hearing by a court comprising more than one justice.

(10) Where this paragraph applies, the court must exercise its power to issue a summons and—

- (a) the rules in Part 7 apply (Starting a prosecution in a magistrates’ court) as if the prosecutor had just served an information in the same terms as the written charge;
- (b) the rules in Part 10 (Initial details of the prosecution case) apply as if the documents served by the prosecutor under paragraph (1) had been served under that Part;
- (c) except for rule 37.8 (Written guilty plea: special rules) and this rule, the rules in this Part apply.

*[Note. The procedure set out in this rule is prescribed by sections 16A to 16D of the Magistrates’ Courts Act 1980(a) and section 29 of the Criminal Justice Act 2003(b). Under section 16A of the 1980 Act, the court may comprise a single justice. Under section 29 of the 2003 Act, a prosecutor authorised under that section may issue a written charge alleging an offence and a single justice procedure notice. Part 7 contains relevant rules.*

*Under section 1 of the Magistrates’ Courts Act 1980(c) a justice of the peace may issue a summons requiring a defendant to attend court to answer an allegation of an offence. Under sections 16C and 16D of the 1980 Act, a justice may issue a summons requiring a defendant to attend court in the circumstances listed in rule 37.9(9).*

*For the court’s power, where this rule applies, to take account of—*

- (a) *information contained or described in a document served by the prosecutor under rule 37.9(1), see section 16F of the Magistrates’ Courts Act 1980(d);*
- (b) *a previous conviction listed in a defendant’s driving record, see section 13(3A) of the Road Traffic Offenders Act 1988(e).*

*The Practice Direction sets out forms of notice for use in connection with this rule.]”;*

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- (a) 1980 c. 43; sections 16A to 16D are inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.
  - (b) 2003 c. 44; section 29 has been brought into force for certain purposes only (see S.I. 2007/1999, S.I. 2008/1424 and S.I. 2009/2879). It was amended by section 50 of, and paragraph 130 of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11), and section 59 of, and paragraph 196 of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15). It is further amended by section 46 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.
  - (c) 1980 c. 43; section 1 was amended by section 68 of, and paragraph 6 of Schedule 8 to, the Criminal Justice Act 1991 (c. 53), sections 43 and 109 of, and Schedule 10 to, the Courts Act 2003 (c. 39), section 31 of, and paragraph 12 of Schedule 7 to, the Criminal Justice Act 2003 (c. 44) and section 153 of the Police Reform and Social Responsibility Act 2011. It is further amended by paragraphs 7 and 8 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.
  - (d) 1980 c. 43; section 16F is inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.
  - (e) 1988 c. 53; section 13(3A) was inserted by section 2 of the Magistrates’ Courts (Procedure) Act 1998 (c. 15).

- (f) renumber accordingly rules 37.9 (Application to withdraw a guilty plea) to 37.17 (Setting aside a conviction or varying a costs, etc. order) as rules 37.10 to 37.18;
- (g) amend the table of contents correspondingly;
- (h) in renumbered rule 37.11 (Procedure if the court convicts)—
  - (i) in paragraph (10)(a), for ‘summons or requisition’ substitute ‘summons, requisition or single justice procedure notice’, and
  - (ii) in paragraph (10)(a)(i), after ‘sentence’ insert ‘(where it can do so)’;
- (i) in renumbered rule 37.12 (Procedure where a party is absent)—
  - (i) for paragraph (1)(b) substitute—
    - “(b) does not apply where—
      - (i) the defendant has served a notice of guilty plea under rule 37.8 (Written guilty plea: special rules), or
      - (ii) the court tries a case under rule 37.9 (Single justice procedure: special rules).”
    - (ii) in paragraph (3)(d), for ‘rule 37.10(10)(a)’ substitute ‘rule 37.11(10)(a)’;
- (j) in renumbered rule 37.13 (Provision of documents for the court), after paragraph (2) insert—
  - “(3) Where rule 37.8 (Written guilty plea: special rules) applies, the court officer must provide for the court—
    - (a) each document served by the prosecutor under rule 37.8(1)(d);
    - (b) the defendant’s driving record, where the offence is under the Road Traffic Regulation Act 1984(a), the Road Traffic Act 1988(b), the Road Traffic (Consequential Provisions) Act 1988(c) or the Road Traffic (Driver Licensing and Information Systems) Act 1989(d);
    - (c) any other information about the defendant, relevant to sentence, of which the prosecutor served notice under rule 37.8(1); and
    - (d) the notice of guilty plea and any representations and other information served by the defendant under rule 37.8(4).
  - (4) Where the court tries a case under rule 37.9 (Single justice procedure: special rules), the court officer must provide for the court—
    - (a) each document served by the prosecutor under rule 37.9(1)(d);
    - (b) the defendant’s driving record, where the offence is under the Road Traffic Regulation Act 1984, the Road Traffic Act 1988, the Road Traffic (Consequential Provisions) Act 1988 or the Road Traffic (Driver Licensing and Information Systems) Act 1989;
    - (c) any other information about the defendant, relevant to sentence, of which the prosecutor served notice under rule 37.9(1); and
    - (d) any notice, representations and other information served by the defendant under rule 37.9(4)(a).”;
- (k) in renumbered rule 37.14 (Place of trial)—
  - (i) for paragraph (1) substitute—
    - “(1) The hearing must take place in a courtroom provided by the Lord Chancellor, unless—
      - (a) the court otherwise directs; or

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(a) 1984 c. 27.  
 (b) 1988 c. 52.  
 (c) 1988 c. 54.  
 (d) 1989 c. 22.



- (b) the court tries a case under rule 37.9 (Single justice procedure: special rules).”, and
  - (ii) in the first paragraph of the note to the rule, after ‘section 3 of the Courts Act 2003(a)’ insert ‘, section 16A of the Magistrates’ Courts Act 1980(b)’;
- (l) in renumbered rule 37.15 (Duty of justices’ legal adviser)—
  - (i) in paragraph (1), after ‘must attend’ insert ‘the court and carry out the duties listed in this rule, as applicable’,
  - (ii) after paragraph (4) insert—
    - “(5) Where the court tries a case under rule 37.9 (Single justice procedure: special rules), a justices’ legal adviser must draw the court’s attention to—
    - (a) what the prosecutor alleges, and any significant features of the material on which the prosecutor relies to prove the alleged offence and to provide information relevant to sentence; and
    - (b) any representations served by the defendant.”, and
    - (iii) in the note to the rule, for ‘section 12 of the Magistrates’ Courts Act 1980’ substitute ‘sections 12 and 16A of the Magistrates’ Courts Act 1980(c)’;
- (m) in renumbered rule 37.16 (Duty of court officer)—
  - (i) for paragraph (a) substitute—
    - “(a) serve on each party notice of where and when an adjourned hearing will resume, unless—
    - (i) the party was present when that was arranged,
    - (ii) the defendant has served a notice of guilty plea to which rule 37.8 (Written guilty plea: special rules) applies, and the adjournment is for not more than 4 weeks, or
    - (iii) the court tries a case under rule 37.9 (Single justice procedure: special rules), and the adjourned trial will resume under that rule;”,
  - (ii) in paragraph (c), for ‘rule 37.10’ substitute ‘rule 37.11’,
  - (iii) in paragraph (e)(ii), for ‘rule 37.16’ substitute ‘rule 37.17 (Statutory declaration of ignorance of proceedings’,
  - (iv) after paragraph (f) insert—
    - “(g) serve on the prosecutor—
    - (i) notice of any hearing date arranged in consequence of the issue of a summons under rule 37.9 (Single justice procedure: special rules), and in that event
    - (ii) any notice served by the defendant under rule 37.9(2)(b) or (c);”,
  - (v) renumber accordingly paragraphs (g) and (h) as paragraphs (h) and (i), and
  - (vi) in paragraph (h), as so renumbered, for ‘rule 37.11(3)(a)’ substitute ‘rule 37.12(3)(a)’; and
- (n) in renumbered rule 37.17 (Statutory declaration of ignorance of proceedings)—
  - (i) for paragraph (1)(a) substitute—
    - “(a) the case started with—
    - (i) an information and summons,

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(a) 2003 c. 39.

(b) 1980 c. 43; section 16A is inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.

(c) 1980 c. 43; section 12 was amended by section 45 of, and paragraph 1 of Schedule 5 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 1 of the Magistrates’ Courts (Procedure) Act 1998 (c. 15), section 109 of, and paragraph 203 of Schedule 8 to, the Courts Act 2003 (c. 39) and sections 308 and 332 of, and Part 12 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44). Section 16A is inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.

- (ii) a written charge and requisition, or
- (iii) a written charge and single justice procedure notice; and”,
- (ii) in paragraph (1)(b), for ‘section 14 of the Magistrates’ Courts Act 1980’ substitute ‘section 14 or section 16E of the Magistrates’ Courts Act 1980(a)’,
- (iii) for paragraph (2) substitute—

“(2) The defendant must—

- (a) serve such a declaration on the court officer—
  - (i) not more than 21 days after the date of finding out about the case, or
  - (ii) with an explanation for the delay, if serving it more than 21 days after that date;
- (b) serve with the declaration one of the following, as appropriate, if the case began with a written charge and single justice procedure notice—
  - (i) a notice under rule 37.9(4)(a) (notice of guilty plea), with any representations that the defendant wants the court to consider and a statement of the defendant’s assets and other financial circumstances, as required by that rule,
  - (ii) a notice under rule 37.9(4)(b) (notice of intention to plead guilty at a hearing before a court comprising more than one justice), or
  - (iii) a notice under rule 37.9(4)(c) (notice of intention to plead not guilty).”,
- (iv) in paragraph (4), after ‘in time or with an extension of time in which to do so’ insert ‘and the case began with a summons or requisition’,
- (v) after paragraph (4) insert—

“(5) Where the defendant serves such a declaration, in time or with an extension of time in which to do so, and the case began with a single justice procedure notice—

- (a) the court must treat the single justice procedure notice and all subsequent proceedings as void (but not the written charge with which the case began);
- (b) rule 37.9 (Single justice procedure: special rules) applies as if the defendant had served the notice required by paragraph (2)(b) of this rule within the time allowed by rule 37.9(4); and
- (c) where that notice is under rule 37.9(4)(b) (notice of intention to plead guilty at a hearing before a court comprising more than one justice) or under rule 37.9(4)(c) (notice of intention to plead not guilty), then—
  - (i) if the defendant is present when the declaration is served, the rules in this Part apply as if the defendant had been required to attend the court on that occasion,
  - (ii) if the defendant is absent when the declaration is served, paragraph (6) of this rule applies.

(6) Where this paragraph applies, the court must exercise its power to issue a summons and—

- (a) the rules in Part 7 apply (Starting a prosecution in a magistrates’ court) as if the prosecutor had just served an information in the same terms as the written charge;
- (b) except for rule 37.8 (Written guilty plea: special rules) and rule 37.9, the rules in this Part apply.”,
- (vi) for the first paragraph of the note to the rule substitute—

*“[Note. Under sections 14 and 16E of the Magistrates’ Courts Act 1980, proceedings which begin with a summons, requisition or single justice procedure notice will become void if the*

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(a) 1980 c. 43; section 14 was amended by section 109 of, and paragraph 205 of Schedule 8 to, the Courts Act 2003 (c. 39). Section 16E is inserted by section 48 of the Criminal Justice and Courts Act 2015 (c. 2), with effect from a date to be appointed.

*defendant, at any time during or after the trial, makes a statutory declaration that he or she did not know of them until a date after the trial began.”, and*

(vii) in the second paragraph of the note to the rule, after ‘section 14(3)’ insert ‘or section 16E(9)’.

**8. In Part 42 (Sentencing procedures in special cases)—**

- (a) in rule 42.1 (Reasons for not following usual sentencing requirements), in the second paragraph of the note to the rule, for ‘rule 37.10(9)’ substitute ‘rule 37.11(9)’; and
- (b) in rule 42.4 (Variation of sentence), in paragraph (1)(a) and in the first paragraph of the note to the rule, for ‘rule 37.17’ substitute ‘rule 37.18’ in each place it occurs.

**9. In the preamble to the Criminal Procedure Rules 2014, in the first column of sub-paragraph (b), headed ‘Rule’—**

- (a) in the twelfth entry, for ‘37.10’ substitute ‘37.11’; and
- (b) in the thirteenth entry, for ‘37.16’ substitute ‘37.17’.

*Thomas of Cwmgiedd, C.J.  
Rafferty, L.J.  
Leveson, P.  
Openshaw, J.  
Martin Picton  
Martin Edmunds  
Stephen Earl  
Nicholas Moss  
Richard Chown  
Siân Jones  
Alison Saunders  
Patrick Gibbs  
Nathaniel Rudolf  
Michael Caplan  
Paul Harris  
Lynne Owens  
Matthew Evans*

I allow these Rules, which shall come into force on 6th April, 2015.

9th March 2015

*Chris Grayling*  
Lord Chancellor

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Criminal Procedure Rules 2014, S.I. 2014/1610, as follows:

<i>Rule</i>	<i>Amendment</i>
Part 37	A new rule 37.9 (Single justice procedure: special rules) is inserted in order to supplement sections 46 to 50 of the Criminal Justice and Courts Act 2015 (trial by single justice on the papers). Rule 37.8 (Written guilty plea: special rules), which supplements section 12 of the Magistrates' Courts Act 1980, is amended so as to make the expression of the new and existing rules correspond. Rules 37.1, 37.2 and 37.3 are amended, rules 37.9 to 37.16 are renumbered as rules 37.10 to 37.17 and amended, and rule 37.17 is renumbered as rule 37.18, in consequence of the 2015 Act and the other rule changes.
Part 3	Rule 3.9 is amended in consequence.
Part 4	Rule 4.7 is amended in consequence.
Part 7	Rules 7.1, 7.2 and 7.4 are amended in consequence.
Part 9	Rules 9.9, 9.11 and 9.13 are amended in consequence.
Part 42	Rules 42.1 and 42.4 are amended in consequence.

These Rules come into force on 6th April 2015.

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