
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 3

CASE MANAGEMENT

PREPARATION FOR TRIAL IN THE CROWN COURT

Pre-trial hearings in the Crown Court: general rules

3.21.—(1) The Crown Court—

- (a) may, and in some cases must, conduct a preparatory hearing where rule 3.22 (Preparatory hearing) applies;
- (b) must conduct a plea and trial preparation hearing; and
- (c) may conduct a further pre-trial case management hearing (and if necessary more than one such hearing) only where—
 - (i) the court anticipates a guilty plea,
 - (ii) it is necessary to conduct such a hearing in order to give directions for an effective trial, or
 - (iii) such a hearing is required to set ground rules for the conduct of the questioning of a witness or defendant.

(2) At the plea and trial preparation hearing the court must—

- (a) satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), that the defendant will receive credit for a guilty plea;
- (b) take the defendant's plea in accordance with rule 3.32 (Arraigning the defendant on the indictment) or if no plea can be taken then find out whether the defendant is likely to plead guilty or not guilty;
- (c) unless the defendant pleads guilty, satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), that at the trial—
 - (i) the defendant will have the right to give evidence after the court has heard the prosecution case,
 - (ii) if the defendant does not attend, the trial may take place in the defendant's absence,
 - (iii) if the trial takes place in the defendant's absence, the judge may inform the jury of the reason for that absence, and
 - (iv) where the defendant is released on bail, failure to attend court when required is an offence for which the defendant may be arrested and punished and bail may be withdrawn; and
- (d) give directions for an effective trial.

- (3) A pre-trial case management hearing—
- (a) must be in public, as a general rule, but all or part of the hearing may be in private if the court so directs; and
 - (b) must be recorded, in accordance with rule 5.5 (Recording and transcription of proceedings in the Crown Court).
- (4) Where the court determines a pre-trial application in private, it must announce its decision in public.
- (5) The court—
- (a) at the first hearing in the Crown Court must require a defendant who is present—
 - (i) to provide, in writing or orally, his or her name, date of birth and nationality, or
 - (ii) to confirm that information by those means, where the information was given to the magistrates' court which sent the defendant for trial; and
 - (b) at any subsequent hearing may require such a defendant to provide or confirm that information by those means.

[Note. See also the general rules in the first section of this Part (rules 3.1 to 3.15) and the other rules in this section.

The Practice Direction lists the circumstances in which a further pre-trial case management hearing is likely to be needed in order to give directions for an effective trial.

There are rules relevant to applications which may be made at a pre-trial hearing in Part 6 (Reporting, etc. restrictions), Part 14 (Bail and custody time limits), Part 15 (Disclosure), Part 17 (Witness summonses, warrants and orders), Part 18 (Measures to assist a witness or defendant to give evidence), Part 19 (Expert evidence), Part 20 (Hearsay evidence), Part 21 (Evidence of bad character), Part 22 (Evidence of a complainant's previous sexual behaviour) and Part 23 (Restriction on cross-examination by a defendant).

On an application to which Part 14 (Bail and custody time limits) applies, rule 14.2 (exercise of court's powers under that Part) may require the defendant's presence, which may be by live link. Where rule 14.10 applies (Consideration of bail in a murder case), the court officer must arrange for the Crown Court to consider bail within 2 business days of the first hearing in the magistrates' court.

Under section 40 of the Criminal Procedure and Investigations Act 1996(1), a pre-trial ruling about the admissibility of evidence or any other question of law is binding unless it later appears to the court in the interests of justice to discharge or vary that ruling.

Under section 86A of the Courts Act 2003(2), Criminal Procedure Rules must specify stages of proceedings at which the court must require the information listed in rule 3.21(5). A person commits an offence if, without reasonable excuse, that person fails to comply with such a requirement, whether by providing false or incomplete information or by providing no information.]

(1) 1996 c. 25.

(2) 2003 c. 39; section 86A was inserted by section 162 of the Policing and Crime Act 2017 (c. 3).