STATUTORY INSTRUMENTS

2017 No. 915 (L. 13)

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

The Criminal Procedure (Amendment No. 4) Rules 2017

Made - - - -	*12th September 2017*
Laid before Parliament	*14th September 2017*
Coming into force - -	*13th November 2017*

The Criminal Procedure Rule Committee makes the following Rules under section 69 of the Courts Act 2003(**1**), 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. 4) Rules 2017 and shall come into force on 13th November 2017.

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 2015(**2**).

Amendments to the Criminal Procedure Rules 2015

3. In Part 3 (Case management)—

(a) in rule 3.13 (Pre-trial hearings: general rules), as amended by the Criminal Procedure (Amendment No. 3) Rules 2017(**3**)—

(i) for the heading to the rule substitute "Pre-trial hearings in the Crown Court: general rules",

(ii) after paragraph (4) insert—

"(5) The court—

(a) at the first hearing in the Crown Court must require a defendant who is present—

(**1**) 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).
(**2**) S.I. 2015/1490; amended by S.I. 2016/120, 2016/705, 2017/144, 2017/282, 2017/755.
(**3**) S.I. 2017/755.

(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.",

(iii) at the end of the note to the rule insert—

"Under section 86A of the Courts Act 2003(**4**)*, Criminal Procedure Rules must specify stages of proceedings at which the court must require the information listed in rule 3.13(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.";*

(b) after rule 3.26 (Use of Welsh language at trial) insert—

"PREPARATION FOR TRIAL IN A MAGISTRATES' COURT

Pre-trial hearings in a magistrates' court: general rules

3.27.—(1) A magistrates' court—

(a) must conduct a preparation for trial hearing unless—

(i) the court sends the defendant for trial in the Crown Court, or

(ii) the case is one to which rule 24.8 or rule 24.9 applies (Written guilty plea: special rules; Single justice procedure: special rules);

(b) 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 a preparation for trial hearing the court must give directions for an effective trial.

(3) At a preparation for trial hearing, if the defendant is present 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 or if no plea can be taken then find out whether the defendant is likely to plead guilty or not guilty; and

(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,

(**4**) 2003 c. 39; section 86A is inserted by section 162 of the Policing and Crime Act 2017 (c. 3), with effect from a date to be appointed.