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STATUTORY INSTRUMENTS

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**2020 No. 759**

The Criminal Procedure Rules 2020

PART 9

ALLOCATION AND SENDING FOR TRIAL

*GENERAL RULES*

**Duty of magistrates' court officer**

**9.5.**—(1) The magistrates' court officer must—

- (a) serve notice of a sending for Crown Court trial on—
  - (i) the Crown Court officer, and
  - (ii) the parties;
- (b) in that notice record—
  - (i) the matters specified by the court under rule 9.3 (Matters to be specified on sending for trial),
  - (ii) any decision by the defendant under rule 9.7 (Sending for Crown Court trial) to require Crown Court trial for low-level shoplifting,
  - (iii) any indication given by the defendant under rule 9.7 of intended guilty plea,
  - (iv) any decision by the defendant under rule 9.11 (Adult defendant: allocation to magistrates' court for trial) to decline magistrates' court trial, <sup>F1</sup>...
  - <sup>F2</sup>(v) any opinion stated by the court under rule 9.15 (Committal for sentence for offence related to an offence sent for trial), and]
  - <sup>F3</sup>(vi) the date on which any custody time limit will expire;]
- (c) record any indication of likely sentence to which rule 9.11 [<sup>F4</sup>or rule 9.13] applies; and
- (d) give the court such other assistance as it requires.

(2) The magistrates' court officer must include with the notice served on the Crown Court officer—

- (a) the initial details of the prosecution case served by the prosecutor under rule 8.2;
- (b) a record of any—
  - (i) listing or case management direction affecting the Crown Court,
  - (ii) direction about reporting restrictions,
  - (iii) decision about bail, for the purposes of section 5 of the Bail Act 1976(1),

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(1) 1976 c. 63; section 5 was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45), section 60 of the Criminal Justice Act 1982 (c. 48), paragraph 1 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 53 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 129(1) of the Criminal Justice and Police Act 2001 (c. 16), paragraph 182 of Schedule 8 to the Courts Act 2003 (c. 39), paragraph 48 of Schedule 3,

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**Changes to legislation:** There are currently no known outstanding effects for the  
The Criminal Procedure Rules 2020, Section 9.5. (See end of Document for details)

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- (iv) recognizance given by a surety, or
- (v) representation order; and
- (c) if relevant, any available details of any—
  - (i) interpreter,
  - (ii) intermediary, or
  - (iii) other supporting adult, where the defendant is assisted by such a person.

*[Note. See sections 51 and 51D of the Crime and Disorder Act 1998(2), and section 20A of the Magistrates' Courts Act 1980(3).]*

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| <b>F1</b> | Word in rule 9.5(1)(b)(iv) omitted (4.4.2022) by virtue of <a href="#">The Criminal Procedure (Amendment) Rules 2022 (S.I. 2022/45)</a> , rules 1, <b>6(c)(ii)</b>      |
| <b>F2</b> | Rule 9.5(1)(b)(v) inserted (4.4.2022) by <a href="#">The Criminal Procedure (Amendment) Rules 2022 (S.I. 2022/45)</a> , rules 1, <b>6(c)(iii)</b>                       |
| <b>F3</b> | Rule 9.5(1)(b)(v) renumbered as rule 9.5(1)(b)(vi) (4.4.2022) by <a href="#">The Criminal Procedure (Amendment) Rules 2022 (S.I. 2022/45)</a> , rules 1, <b>6(c)(i)</b> |
| <b>F4</b> | Words in rule 9.5(1)(c) inserted (4.10.2021) by <a href="#">The Criminal Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/849)</a> , rules 1, <b>6(c)</b>              |

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**Commencement Information**

- I1** Rule 9.5 in force at 5.10.2020, see Preamble

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- paragraphs 1 and 2 of Schedule 36, and Parts 2, 4 and 12 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) and section 208 of, and paragraphs 33 and 35 of Schedule 21 to, the Legal Services Act 2007 (c. 27).
- (2) 1998 c. 37; section 51 was substituted and section 51D inserted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44). They were amended by section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).
- (3) 1980 c. 43; section 20A was inserted by paragraphs 1 and 6 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 9.5.