



Courts Act 2003

2003 CHAPTER 39

PART 7

PROCEDURE RULES AND PRACTICE DIRECTIONS

Criminal Procedure Rules and practice directions

68 Meaning of “criminal court”

In this Part “criminal court” means—

- (a) the criminal division of the Court of Appeal;
- (b) when dealing with any criminal cause or matter—
 - (i) the Crown Court;
 - (ii) a magistrates' court.

69 Criminal Procedure Rules

- (1) There are to be rules of court (to be called “Criminal Procedure Rules”) governing the practice and procedure to be followed in the criminal courts.
- (2) Criminal Procedure Rules are to be made by a committee known as the Criminal Procedure Rule Committee.
- (3) The power to make Criminal Procedure Rules includes power to make different provision for different cases or different areas, including different provision—
 - (a) for a specified court or description of courts, or
 - (b) for specified descriptions of proceedings or a specified jurisdiction.
- (4) Any power to make ^{F1} . . . Criminal Procedure Rules is to be exercised with a view to securing that—
 - (a) the criminal justice system is accessible, fair and efficient, and
 - (b) the rules are both simple and simply expressed.

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Textual Amendments

F1 Words in s. 69(4) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 146, Sch. 4 para. 332\(2\), Sch. 18 Pt. 2; S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\), 30\(b\)](#)

Commencement Information

I1 S. 69 wholly in force at 1.9.2004, see s. 110(1)(2) and [S.I. 2004/2066, art. 2\(b\)\(i\)](#) (subject to [art. 3](#))

70 Criminal Procedure Rule Committee

(1) The Criminal Procedure Rule Committee is to consist of—

(a) the Lord Chief Justice, and

[^{F2}(b) the persons currently appointed in accordance with subsections (1A) and (1B).]

[^{F3}(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (e) of subsection (2).

(1B) The Lord Chancellor must appoint the persons falling within paragraphs (f) to (k) of subsection (2).]

(2) [^{F4}The persons to be appointed in accordance with subsections (1A) and (1B) are]—

(a) a person nominated by the Secretary of State,

(b) three persons each of whom is either a puisne judge of the High Court or an ordinary judge of the Court of Appeal,

(c) two Circuit judges with particular experience of sitting in criminal courts,

(d) one District Judge (Magistrates' Courts),

(e) one lay justice,

(f) one justices' clerk,

(g) the Director of Public Prosecutions or a person nominated by the Director,

(h) two persons who have a Supreme Court qualification and who have particular experience of practice in criminal courts,

(i) two persons who—

(i) have been granted by an authorised body, under Part 2 of the 1990 Act, the right to conduct litigation in relation to all proceedings in the Supreme Court, and

(ii) have particular experience of practice in criminal courts,

(j) one person who appears to represent the Association of Chief Police Officers, and

(k) two persons who appear to represent voluntary organisations with a direct interest in the work of criminal courts.

[^{F5}(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor.

(3A) Before appointing a person in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice.]

(4) The Criminal Procedure Rule Committee is to be chaired by the Lord Chief Justice; and one of the judges appointed under subsection (2)(b) is to be his deputy.

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- (5) The Lord Chancellor may reimburse—
- (a) the travelling and out-of-pocket expenses of the members of the Criminal Procedure Rule Committee, and
 - (b) authorised travelling and out-of-pocket expenses of persons invited to participate in the work of the Committee.

[^{F6}(5A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

- (6) “The 1990 Act” means the Courts and Legal Services Act 1990 (c. 41).

Textual Amendments

- F2** S. 70(1)(b) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 333(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F3** S. 70(1A)(1B) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 333(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F4** Words in s. 70(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 333(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F5** S. 70(3)(3A) substituted (3.4.2006) for s. 70(3) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 333(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F6** S. 70(5A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 333(6)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

71 Power to change certain requirements relating to Committee

- (1) The Lord Chancellor may by order—
- [^{F7}(a) amend section 70(2) or (3A), and]
 - (b) make consequential amendments in any other provision of section 70.
- [^{F8}(2) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.
- (3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F7** S. 71(1)(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 334(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F8** S. 71(2)(3) substituted (3.4.2006) for s. 71(2) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 334(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

72 Process for making Criminal Procedure Rules

- (1) The Criminal Procedure Rule Committee must, before making Criminal Procedure Rules—
- (a) consult such persons as they consider appropriate, and

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- (b) meet (unless it is inexpedient to do so).
- (2) Rules made by the Criminal Procedure Rule Committee must be—
 - (a) signed by a majority of the members of the Committee, and
 - (b) submitted to the Lord Chancellor.
- [^{F9}(3) The Lord Chancellor may, with the concurrence of the Secretary of State, allow or disallow rules so made.
- (4) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so.]
- (5) Rules so made [^{F10}and allowed] by the Lord Chancellor—
 - (a) come into force on such day as the Lord Chancellor directs, and
 - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.
- (6) ^{F11}. . . a statutory instrument containing Criminal Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) ^{F12}

Textual Amendments

- F9** S. 72(3)(4) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 335\(2\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)
- F10** Words in s. 72(5) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 335\(3\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)
- F11** Words in s. 72(6) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 146, Sch. 18 Pt. 2](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 30\(b\)](#)
- F12** S. 72(7) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 146, Sch. 18 Pt. 2](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 30\(b\)](#)

Commencement Information

- I2** S. 72 wholly in force at 1.9.2004, see s. 110(1)(2) and [S.I. 2004/2066, art. 2\(b\)\(ii\)](#) (subject to art. 3)

[^{F13}72A Rules to be made if required by Lord Chancellor

- (1) This section applies if the Lord Chancellor gives the Criminal Procedure Rules Committee written notice that he thinks it is expedient for Criminal Procedure Rules to include provision that would achieve a purpose specified in the notice.
- (2) The Committee must make such rules as it considers necessary to achieve the specified purpose.
- (3) Those rules must be—
 - (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
 - (b) made in accordance with section 72.
- (4) The Lord Chancellor may not give notice under subsection (1) unless the Secretary of State agrees.]

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Textual Amendments

- F13** S. 72A inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 336](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(aa)

73 Power to amend legislation in connection with the rules

^{F14}(1) The Lord Chancellor may, with the concurrence of the Secretary of State [^{F15}and after consulting the Lord Chief Justice] , by order amend, repeal or revoke any enactment to the extent that he considers necessary or desirable—

- (a) in order to facilitate the making of Criminal Procedure Rules, or
- (b) in consequence of section 69 or 72 or Criminal Procedure Rules.

[^{F16}(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F14** S. 73 renumbered as s. 73(1) (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 337\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F15** Words in s. 73(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 337\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F16** S. 73(2) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 337\(4\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(aa)

Commencement Information

- I3** S. 73 wholly in force at 1.9.2004, see s. 110(1)(2) and S.I. 2004/2066, [art. 2\(b\)\(iii\)](#) (subject to [art. 3](#))

74 Practice directions as to practice and procedure of the criminal courts

(1) [^{F17}Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005] as to the practice and procedure of the criminal courts.

(2) Directions as to the practice and procedure of the criminal courts [^{F18} given otherwise than under subsection (1) may not be given without the approval of—

- (a) the Lord Chancellor, and
- (b) the Lord Chief Justice.]

(3) The power to give directions under subsection (1) includes power—

- (a) to vary or revoke directions as to the practice and procedure of the criminal courts (or any of them), whether given [^{F19}under subsection (1) or otherwise] ,
- (b) to give directions containing different provision for different cases (including different areas), and
- (c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.

[^{F20}(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—

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- (a) the application or interpretation of the law;
 - (b) the making of judicial decisions.
- (5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—
- (a) after consulting the Lord Chancellor, and
 - (b) with the approval of the Lord Chief Justice.]

Textual Amendments

- F17** Words in s. 74(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 8\(2\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 7](#)
- F18** Words in s. 74(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 8\(3\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 7](#)
- F19** Words in s. 74(3)(a) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 8\(4\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 7](#)
- F20** S. 74(4)(5) substituted (3.4.2006) for s. 74(4) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 8\(5\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 7](#)

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