
STATUTORY INSTRUMENTS

2011 No. 1709

The Criminal Procedure Rules 2011

PART 29

MEASURES TO ASSIST A WITNESS OR DEFENDANT TO GIVE EVIDENCE

SECTION 1: UNDERSTANDING AND APPLYING THIS PART

When this Part applies

29.1. This Part applies—

- (a) where the court can give a direction (a ‘special measures direction’), under section 19 of the Youth Justice and Criminal Evidence Act 1999(1), on an application or on its own initiative, for any of the following measures—
 - (i) preventing a witness from seeing the defendant (section 23 of the 1999 Act),
 - (ii) allowing a witness to give evidence by live link (section 24 of the 1999 Act(2)),
 - (iii) hearing a witness’ evidence in private (section 25 of the 1999 Act),
 - (iv) dispensing with the wearing of wigs and gowns (section 26 of the 1999 Act),
 - (v) admitting video recorded evidence (sections 27 and 28 of the 1999 Act(3)),
 - (vi) questioning a witness through an intermediary (section 29 of the 1999 Act(4)),
 - (vii) using a device to help a witness communicate (section 30 of the 1999 Act);
- (b) where the court can vary or discharge such a direction, under section 20 of the 1999 Act(5);
- (c) where the court can give, vary or discharge a direction (a ‘defendant’s evidence direction’) for a defendant to give evidence—
 - (i) by live link, under section 33A of the 1999 Act(6), or
 - (ii) through an intermediary, under sections 33BA and 33BB of the 1999 Act(7);
- (d) where the court can—

(1) 1999 c. 23.

(2) 1999 c. 23; section 24 was amended by paragraph 385 of Schedule 8 to, and Schedule 10 to, the Courts Act 2003 (c. 39) and section 102(1) of the Coroners and Justice Act 2009 (c. 25).

(3) 1999 c. 23; section 27 was amended by paragraph 384 of Schedule 8 to the Courts Act 2003 (c. 39) and sections 102(2), 103(1), (3), (4) and (5), 177(1) and (2) and section 178 of, and paragraph 73 of Schedule 21, paragraph 23 of Schedule 22 and Part 3 of Schedule 23 to, the Coroners and Justice Act 2009 (c. 25). It is further amended by paragraph 73 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed. Section 28 was amended by paragraph 384(c) of Schedule 8 to the Courts Act 2003 (c. 39).

(4) 1999 c. 23; section 29 was amended by paragraph 384(d) of Schedule 8 to the Courts Act 2003 (c. 39).

(5) 1999 c. 23; section 20(6) is amended by paragraph 384(a) of Schedule 8 to the Courts Act 2003 (c. 39).

(6) 1999 c. 23; section 33A was inserted by section 47 of the Police and Justice Act 2006 (c. 48).

(7) 1999 c. 23; sections 33BA and 33BB are inserted by section 104 of the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.

- (i) make a witness anonymity order, under section 86 of the Coroners and Justice Act 2009⁽⁸⁾, or
- (ii) vary or discharge such an order, under section 91, 92 or 93 of the 2009 Act;
- (e) where the court can give or discharge a direction (a ‘live link direction’), on an application or on its own initiative, for a witness to give evidence by live link under—
 - (i) section 32 of the Criminal Justice Act 1988⁽⁹⁾, or
 - (ii) sections 51 and 52 of the Criminal Justice Act 2003⁽¹⁰⁾;
- (f) where the court can exercise any other power it has to give, vary or discharge a direction for a measure to help a witness give evidence.

Meaning of ‘witness’

29.2. In this Part, ‘witness’ means anyone (other than a defendant) for whose benefit an application, direction or order is made.

[Note. At the end of this Part is a summary of the circumstances in which a witness or defendant may be eligible for the assistance of one of the measures to which this Part applies.]

⁽⁸⁾ 2009 c. 25.

⁽⁹⁾ 1988 c. 33; section 32 was amended by section 55 of the Criminal Justice Act 1991 (c. 53), section 29 of, and paragraph 16 of Schedule 2 to, the Criminal Appeal Act 1995 (c. 35), section 62 of the Criminal Procedure and Investigations Act 1996 (c. 25), section 67 of, and Schedule 6 and paragraph 3 of Schedule 7 to, the Youth Justice and Criminal Evidence Act 1999 (c. 23) and paragraphs 24 and 26 of the Schedule to S.I. 2004/2035.

⁽¹⁰⁾ 2003 c. 44.