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STATUTORY INSTRUMENTS

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**2011 No. 1709**

**The Criminal Procedure Rules 2011**

**PART 29**

**MEASURES TO ASSIST A WITNESS OR DEFENDANT TO GIVE EVIDENCE**

*SECTION 2: GENERAL RULES*

**Making an application for a direction or order**

**29.3.** A party who wants the court to exercise its power to give or make a direction or order must—

- (a) apply in writing as soon as reasonably practicable, and in any event not more than—
  - (i) 28 days after the defendant pleads not guilty, in a magistrates' court, or
  - (ii) 14 days after the defendant pleads not guilty, in the Crown Court; and
- (b) serve the application on—
  - (i) the court officer, and
  - (ii) each other party.

*[Note. See also rule 29.10 (content of application for a special measures direction), rule 29.15 (content of application for a defendant's evidence direction), rule 29.19 (content and conduct of application for a witness anonymity order) and rule 29.24 (content of application for a live link direction).*

*The Practice Direction sets out forms for use in connection with—*

- (a) *an application under rule 29.10 for a special measures direction;*
- (b) *an application under rule 29.24 for a live link direction (otherwise than as a special measures direction).]*

**Decisions and reasons**

**29.4.—(1)** A party who wants to introduce the evidence of a witness who is the subject of an application, direction or order must—

- (a) inform the witness of the court's decision as soon as reasonably practicable; and
- (b) explain to the witness the arrangements that as a result will be made for him or her to give evidence.

(2) The court must announce, at a hearing in public before the witness gives evidence, the reasons for a decision—

- (a) to give, make, vary or discharge a direction or order; or
- (b) to refuse to do so.

*[Note. See sections 20(5), 33A(8) and 33BB(4) of the Youth Justice and Criminal Evidence Act 1999 and sections 51(8) and 52(7) of the Criminal Justice Act 2003(1).]*

### **Court's power to vary requirements under this Part**

- 29.5.**—(1) The court may—
- (a) shorten or extend (even after it has expired) a time limit under this Part; and
  - (b) allow an application or representations to be made in a different form to one set out in the Practice Direction, or to be made orally.
- (2) A person who wants an extension of time must—
- (a) apply when serving the application or representations for which it is needed; and
  - (b) explain the delay.

### **Custody of documents**

- 29.6.** Unless the court otherwise directs, the court officer may—
- (a) keep a written application or representations; or
  - (b) arrange for the whole or any part to be kept by some other appropriate person, subject to any conditions that the court may impose.

### **Declaration by intermediary**

- 29.7.**—(1) This rule applies where—
- (a) a video recorded interview with a witness is conducted through an intermediary;
  - (b) the court directs the examination of a witness or defendant through an intermediary.
- (2) An intermediary must make a declaration—
- (a) before such an interview begins;
  - (b) before the examination begins (even if such an interview with the witness was conducted through the same intermediary).
- (3) The declaration must be in these terms—

“I solemnly, sincerely and truly declare [*or I swear by Almighty God*] that I will well and faithfully communicate questions and answers and make true explanation of all matters and things as shall be required of me according to the best of my skill and understanding.”