
STATUTORY INSTRUMENTS

2011 No. 1709

The Criminal Procedure Rules 2011

PART 29

MEASURES TO ASSIST A WITNESS OR DEFENDANT TO GIVE EVIDENCE

SECTION 4: DEFENDANT'S EVIDENCE DIRECTIONS

[Note. The rules in Section 2 (general rules) also apply.]

Exercise of court's powers

29.14. The court may decide whether to give, vary or discharge a defendant's evidence direction—

- (a) at a hearing, in public or in private, or without a hearing;
- (b) in a party's absence, if that party—
 - (i) applied for the direction, variation or discharge, or
 - (ii) has had at least 14 days in which to make representations.

Content of application for a defendant's evidence direction

29.15. An applicant for a defendant's evidence direction must—

- (a) explain how the proposed direction meets the conditions prescribed by the Youth Justice and Criminal Evidence Act 1999;
- (b) in a case in which the applicant proposes that the defendant give evidence by live link—
 - (i) identify a person to accompany the defendant while the defendant gives evidence, and
 - (ii) explain why that person is appropriate;
- (c) ask for a hearing, if the applicant wants one, and explain why it is needed.

[Note. See sections 33A and 33BA of the Youth Justice and Criminal Evidence Act 1999.]

Application to vary or discharge a defendant's evidence direction

29.16.—(1) A party who wants the court to vary or discharge a defendant's evidence direction must—

- (a) apply in writing, as soon as reasonably practicable after becoming aware of the grounds for doing so; and
- (b) serve the application on—
 - (i) the court officer, and
 - (ii) each other party.

- (2) The applicant must—
- (a) on an application to discharge a live link direction, explain why it is in the interests of justice to do so;
 - (b) on an application to discharge a direction for an intermediary, explain why it is no longer necessary in order to ensure that the defendant receives a fair trial;
 - (c) on an application to vary a direction for an intermediary, explain why it is necessary for the direction to be varied in order to ensure that the defendant receives a fair trial; and
 - (d) ask for a hearing, if the applicant wants one, and explain why it is needed.

[Note. See sections 33A(7) and 33BB of the Youth Justice and Criminal Evidence Act 1999.]

Representations in response

- 29.17.**—(1) This rule applies where a party wants to make representations about—
- (a) an application for a defendant’s evidence direction;
 - (b) an application for the variation or discharge of such a direction; or
 - (c) a direction, variation or discharge that the court proposes on its own initiative.
- (2) Such a party must—
- (a) serve the representations on—
 - (i) the court officer, and
 - (ii) each other party;
 - (b) do so not more than 14 days after, as applicable—
 - (i) service of the application, or
 - (ii) notice of the direction, variation or discharge that the court proposes; and
 - (c) ask for a hearing, if that party wants one, and explain why it is needed.
- (3) Representations against a direction, variation or discharge must explain why the conditions prescribed by the Youth Justice and Criminal Evidence Act 1999 are not met.