
STATUTORY INSTRUMENTS

2011 No. 1709

The Criminal Procedure Rules 2011

PART 5

FORMS AND COURT RECORDS

Contents of this Part

Section 1: forms

Forms	rule 5.1
Forms in Welsh	rule 5.2
Signature of forms	rule 5.3

Section 2: court records

Duty to make records	rule 5.4
Recording and transcription of proceedings in the Crown Court	rule 5.5
Custody of case materials	rule 5.6
Supply to a party of information or documents from records or case materials	rule 5.7
Supply to the public, including reporters, of information about a case	rule 5.8
Supply of written certificate or extract from records	rule 5.9

SECTION 1: FORMS

Forms

5.1. The forms set out in the Practice Direction and in the Criminal Costs Practice Direction shall be used as appropriate in connection with the rules to which they apply.

Forms in Welsh

5.2.—(1) Any Welsh language form set out in the Practice Direction, or in the Criminal Costs Practice Direction, is for use in connection with proceedings in courts in Wales.

(2) Both a Welsh form and an English form may be contained in the same document.

(3) Where only a Welsh form, or only the corresponding English form, is served—

(a) the following words in Welsh and English must be added:

“Darperir y ddogfen hon yn Gymraeg / Saesneg os bydd arnoch ei heisiau. Dylech wneud cais yn ddi-oed i (swyddog y llys) (rhodder yma’r cyfeiriad)

This document will be provided in Welsh / English if you require it. You should apply immediately to (the court officer) (address)”; and

- (b) the court officer, or the person who served the form, must, on request, supply the corresponding form in the other language to the person served.

Signature of forms

5.3.—(1) This rule applies where a form provides for its signature.

(2) Unless other legislation otherwise requires, or the court otherwise directs, signature may be by any written or electronic authentication of the form by, or with the authority of, the signatory.

[Note. Section 7 of the Electronic Communications Act 2000(1) provides for the use of an electronic signature in an electronic communication.]

SECTION 2: COURT RECORDS

Duty to make records

5.4.—(1) For each case, as appropriate, the court officer must record, by such means as the Lord Chancellor directs—

- (a) each charge or indictment against the defendant;
- (b) the defendant’s plea to each charge or count;
- (c) each acquittal, conviction, sentence, determination, direction or order;
- (d) each decision about bail;
- (e) the power exercised where the court commits or adjourns the case to another court—
 - (i) for sentence, or
 - (ii) for the defendant to be dealt with for breach of a community order, a deferred sentence, a conditional discharge, or a suspended sentence of imprisonment, imposed by that other court;
- (f) the court’s reasons for a decision, where legislation requires those reasons to be recorded;
- (g) any appeal;
- (h) each party’s presence or absence at each hearing;
- (i) any consent that legislation requires before the court can proceed with the case, or proceed to a decision;
- (j) in a magistrates’ court—
 - (i) any indication of sentence given in connection with the allocation of a case for trial, and
 - (ii) the registration of a fixed penalty notice for enforcement as a fine, and any related endorsement on a driving licence;
- (k) in the Crown Court, any request for assistance or other communication about the case received from a juror; and
- (l) the identity of—

- (i) the prosecutor,
 - (ii) the defendant,
 - (iii) any other applicant to whom these Rules apply,
 - (iv) the parties' legal representatives, if any, and
 - (v) the judge, magistrate or magistrates, justices' legal adviser or other person who made each recorded decision.
- (2) Such records must include—
- (a) each party's and representative's address, including any electronic address and telephone number available;
 - (b) the defendant's date of birth, if available; and
 - (c) the date of each event and decision recorded.

[Note. For the duty to keep court records, see sections 5 and 8 of the Public Records Act 1958(2).

Requirements to record the court's reasons for its decision are contained in: section 5 of the Bail Act 1976(3); section 47(1) of the Road Traffic Offenders Act 1988(4); sections 20, 33A and 33BB of the Youth Justice and Criminal Evidence Act 1999(5); section 174(2) of the Criminal Justice Act 2003(6); and rule 16.8.

The prosecution of some offences requires the consent of a specified authority. Requirements for the defendant's consent to proceedings in his or her absence are contained in sections 23 and 128 of the Magistrates' Courts Act 1980(7).

In a case for which the amendments made by Schedule 3 to the Criminal Justice Act 2003 have come into force, section 20 of the Magistrates' Courts Act 1980(8) allows the court to give an indication of whether a custodial or non-custodial sentence is more likely in the event of a guilty plea at trial in that court.

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- (2) 1958 c. 51; section 5 was amended by sections 67 and 86 of, and paragraph 2 of Schedule 5 to, the Freedom of Information Act 2000 (c. 36); and section 8 was amended by sections 27 and 35 of, and Schedule 2 to, the Administration of Justice Act 1969 (c. 58), section 1 of, and paragraph 19 of Schedule 2 to, the Administration of Justice Act 1970 (c. 31), section 56 of, and Schedule 11 to, the Courts Act 1971 (c. 23), section 152 of, and Schedule 7 to, the Senior Courts Act 1981 (c. 54) and sections 56 and 59 of, and Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).
 - (3) 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), sections 41, 331 and 332 of, and paragraph 48 of Schedule 3, 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). Some of the amendments in Schedule 3 to the Criminal Justice Act 2003 are in force in relation to certain cases only.
 - (4) 1988 c. 53.
 - (5) 1999 c. 23; section 20(6) was amended by paragraph 384(a) of Schedule 8 to the Courts Act 2003 (c. 39); section 33A was inserted by section 47 of the Police and Justice Act 2006 (c. 48); and section 33BB is inserted by section 104(1) of the Coroners and Justice Act 2009, with effect from a date to be appointed.
 - (6) 2003 c. 44; section 174(2) was amended by section 6(2) of, and paragraphs 71 and 80(1) and (2) of Schedule 4 to, the Criminal Justice and Immigration Act 2008 (c. 4) and is further amended by section 177(1) of, and paragraphs 83 and 84 of Schedule 21 to, the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.
 - (7) 1980 c. 43; section 23(1) was amended by section 125(3) of, and paragraph 25 of Schedule 18 to, the Courts and Legal Services Act 2000 (c. 41); section 128 was amended by section 59 of, and paragraphs 2, 3 and 4 of Schedule 9 to, the Criminal Justice Act 1982 (c. 48), section 48 of the Police and Criminal Evidence Act 1984 (c. 60), section 170(1) of, and paragraphs 65 and 69 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33), section 125(3) of, and paragraph 25 of Schedule 18 to, the Courts and Legal Services Act 1990 (c. 41), sections 49, 52 and 80 of, and Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25) and paragraph 75 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and is further amended by paragraph 51 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.
 - (8) 1980 c. 43; section 20 was amended by section 100 of, and paragraph 25 of Schedule 11 to, the Criminal Justice Act 1991 (c. 53) and by paragraph 63 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and is further amended by paragraphs 1 and 6 of Schedule 3 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

Requirements to register fixed penalty notices and to record any related endorsement of a driving licence are contained in sections 57, 57A and 71 of the Road Traffic Offenders Act 1988(9).]

Recording and transcription of proceedings in the Crown Court

- 5.5.**—(1) Where someone may appeal to the Court of Appeal, the court officer must—
- (a) arrange for the recording of the proceedings in the Crown Court, unless the court otherwise directs; and
 - (b) arrange for the transcription of such a recording if—
 - (i) the Registrar wants such a transcript, or
 - (ii) anyone else wants such a transcript (but that is subject to the restrictions in paragraph (2)).
- (2) Unless the court otherwise directs, a person who transcribes a recording of proceedings under such arrangements—
- (a) must not supply anyone other than the Registrar with a transcript of a recording of—
 - (i) a hearing in private, or
 - (ii) information to which reporting restrictions apply;
 - (b) subject to that, must supply any person with any transcript for which that person asks—
 - (i) in accordance with the transcription arrangements made by the court officer, and
 - (ii) on payment by that person of any fee prescribed.
- (3) A party who wants to hear a recording of proceedings must—
- (a) apply—
 - (i) in writing to the Registrar, if an appeal notice has been served where Part 65 applies (Appeal to the Court of Appeal: general rules), or
 - (ii) orally or in writing to the Crown Court officer;
 - (b) explain the reasons for the request; and
 - (c) pay any fee prescribed.
- (4) If the Crown Court or the Registrar so directs, the Crown Court officer must allow that party to hear a recording of—
- (a) a hearing in public;
 - (b) a hearing in private, if the applicant was present at that hearing.

[Note. See also section 32 of the Criminal Appeal Act 1968(10).]

Custody of case materials

- 5.6.** Unless the court otherwise directs, in respect of each case the court officer may—
- (a) keep any evidence, application, representation or other material served by the parties; or

(9) 1988 c. 53; section 57(3) and (4) was amended by regulation 2(2) and (3) of, and paragraph 17 of Schedule 2 to, S.I. 1990/144 and section 5 of, and paragraphs 1 and 5 of Schedule 1 to, the Road Safety Act 2006 (c. 49); section 57A was added by section 9 of the Road Safety Act 2006 (c. 49), and is amended by section 10 of that Act with effect from a date to be appointed; and section 71 was amended by section 63 of, and paragraph 25(1) of Schedule 3 to, the Vehicle Excise and Registration Act 1994 (c. 22), sections 90(1) and 106 of, and paragraphs 140 and 150(1) and (2) of Schedule 13, and table 7 of Schedule 15 to, the Access to Justice Act 1999 (c. 22), section 109(1) of, and paragraph 317(1) and (2) of Schedule 8 to, the Courts Act 2003 (c. 39) and section 9(6) of, and paragraphs 2 and 22 of Schedule 2 to, the Road Safety Act 2006 (c. 49).

(10) 1968 c. 19.

- (b) arrange for the whole or any part to be kept by some other appropriate person, subject to—
 - (i) any condition imposed by the court, and
 - (ii) the rules in Part 63 (Appeal to the Crown Court) and Part 65 (Appeal to the Court of Appeal: general rules) about keeping exhibits pending any appeal.

Supply to a party of information or documents from records or case materials

5.7.—(1) This rule applies where a party wants information, or a copy of a document, from records or case materials kept by the court officer (for example, in case of loss, or to establish what is retained).

- (2) Such a party must—
 - (a) apply to the court officer;
 - (b) specify the information or document required; and
 - (c) pay any fee prescribed.
- (3) The application—
 - (a) may be made orally, giving no reasons, if paragraph (4) requires the court officer to supply the information or document requested;
 - (b) must be in writing, unless the court otherwise permits, and must explain for what purpose the information is required, in any other case.
- (4) The court officer must supply to the applicant party—
 - (a) a copy of any document served by, or on, that party (but not of any document not so served);
 - (b) by word of mouth, or in writing, as requested—
 - (i) information that was received from that party in the first place,
 - (ii) information about any direction or order directed to that party, or made on an application by that party, or at a hearing in public,
 - (iii) information about the outcome of the case.
- (5) If the court so permits, the court officer may supply to the applicant party, by word of mouth or in writing, as requested, information that paragraph (4) does not require the court officer to supply.

Supply to the public, including reporters, of information about a case

5.8.—(1) This rule applies where a member of the public, including a reporter, wants information about a case from the court officer.

- (2) Such a person must—
 - (a) apply to the court officer;
 - (b) specify the information requested; and
 - (c) pay any fee prescribed.
- (3) The application—
 - (a) may be made orally, giving no reasons, if paragraph (4) requires the court officer to supply the information requested;
 - (b) must be in writing, unless the court otherwise permits, and must explain for what purpose the information is required, in any other case.
- (4) The court officer must supply to the applicant—
 - (a) any information listed in paragraph (6), if—

- (i) the information is available to the court officer,
- (ii) the supply of the information is not prohibited by a reporting restriction, and
- (iii) the trial has not yet concluded, or the verdict was not more than 6 months ago; and
- (b) details of any reporting or access restriction ordered by the court.
- (5) The court officer will supply that information—
 - (a) by word of mouth; or
 - (b) by such other arrangements as the Lord Chancellor directs.
- (6) The information that paragraph (4) requires the court officer to supply is—
 - (a) the date of any hearing in public, unless any party has yet to be notified of that date;
 - (b) each alleged offence and any plea entered;
 - (c) the court’s decision at any hearing in public, including any decision about—
 - (i) bail, or
 - (ii) the committal, sending or transfer of the case to another court;
 - (d) whether the case is under appeal;
 - (e) the outcome of any trial and any appeal; and
 - (f) the identity of—
 - (i) the prosecutor,
 - (ii) the defendant,
 - (iii) the parties’ representatives, including their addresses, and
 - (iv) the judge, magistrate or magistrates, or justices’ legal adviser by whom a decision at a hearing in public was made.
- (7) If the court so directs, the court officer will—
 - (a) supply to the applicant, by word of mouth, other information about the case; or
 - (b) allow the applicant to inspect or copy a document, or part of a document, containing information about the case.
- (8) The court may determine an application to which paragraph (7) applies—
 - (a) at a hearing, in public or in private; or
 - (b) without a hearing.

[Note. The supply of information about a case is affected by—

- (a) *Articles 6, 8 and 10 of the European Convention on Human Rights, and the court’s duty to have regard to the importance of—*
 - (i) *dealing with criminal cases in public, and*
 - (ii) *allowing a public hearing to be reported to the public;*
- (b) *the Rehabilitation of Offenders Act 1974***(11)**;
- (c) *section 18 of the Criminal Procedure and Investigations Act 1996***(12)**;
- (d) *the Sexual Offences (Protected Material) Act 1997***(13)**;
- (e) *the Data Protection Act 1998***(14)**;

(11) 1974 c. 53.

(12) 1996 c. 25.

(13) 1997 c. 39.

(14) 1998 c. 29.

- (f) *section 20 of the Access to Justice Act 1999(15); and*
- (g) *reporting restrictions, rules about which are contained in Part 16 (Reporting, etc. restrictions).]*

Supply of written certificate or extract from records

5.9.—(1) This rule applies where legislation—

- (a) allows a certificate of conviction or acquittal, or an extract from records kept by the court officer, to be introduced in evidence in criminal proceedings; or
- (b) requires such a certificate or extract to be supplied by the court officer to a specified person for a specified purpose.

(2) A person who wants such a certificate or extract must—

- (a) apply in writing to the court officer;
- (b) specify the certificate or extract required;
- (c) explain under what legislation and for what purpose it is required; and
- (d) pay any fee prescribed.

(3) If the application satisfies the requirements of that legislation, the court officer must supply the certificate or extract requested—

- (a) to a party;
- (b) unless the court otherwise directs, to any other applicant.

[Note. Under sections 73 to 75 of the Police and Criminal Evidence Act 1984(16), a certificate of conviction or acquittal, and certain other details from records to which this Part applies, may be admitted in evidence in criminal proceedings.

Under section 115 of the Crime and Disorder Act 1998(17), information from records to which this Part applies may be obtained by specified authorities for the purposes of that Act.

A certificate of conviction or acquittal, and certain other information, required for other purposes, may be obtained from the Secretary of State under sections 112, 113A and 113B of the Police Act 1997(18).]

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- (15) 1999 c. 22; section 20 was amended by article 9 of S.I. 2004/3363 and article 8 of, and paragraph 4 of the Schedule to, S.I. 2005/3429.
 - (16) 1984 c. 60; section 73 was amended by section 90(1) of, and paragraphs 125 and 128 of Schedule 13 to, the Access to Justice Act 1999 (c. 22), paragraph 285 of Schedule 8 to the Courts Act 2003 (c. 39) and paragraph 13 of Schedule 17 to the Coroners and Justice Act 2009 (c. 25); and section 74 was amended by paragraph 85 of Schedule 36, and Part 5 of Schedule 37, to the Criminal Justice Act 2003 (c. 44) and paragraph 14 of Schedule 17 to the Coroners and Justice Act 2009 (c. 25).
 - (17) 1998 c. 37; section 115 was amended by paragraphs 150 and 151 of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43), paragraph 35 of Schedule 1 to S.I. 2000/90, section 97 of the Police Reform Act 2002 (c. 30), paragraph 25 of Schedule 1 to S.I. 2002/2469, section 219 of the Housing Act 2004 (c. 34), section 22 of, and paragraphs 1 and 7 of Schedule 9 to, the Police and Justice Act 2006 (c. 48), paragraph 29 of the Schedule to S.I. 2007/961, section 29 of the Transport for London Act 2008 (c. i), paragraph 13 of Schedule 2 to S.I. 2008/912 and paragraphs 109 and 111 of Schedule 2 to S.I. 2010/866.
 - (18) 1997 c. 50; section 112 was amended by section 50 of the Criminal Justice and Immigration Act 2008 (c. 4) and sections 97 and 112 of, and Part 8 of Schedule 8 to, the Policing and Crime Act 2009 (c. 26), and is further amended by section 93 of that Act with effect from a date to be appointed. Section 113A was added by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15), modified by regulation 4 of S.I. 2010/1146, and amended by paragraph 14 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47), section 50 of the Criminal Justice and Immigration Act 2008 (c. 4), sections 97 and 112 of, and Part 8 of Schedule 8 to, the Policing and Crime Act 2009 (c. 26) and articles 2 and 3 of S.I. 2009/203. Section 113B was added by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15), modified by regulations 5 to 7 of S.I. 2010/1146, and amended by paragraph 14 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47), section 50 of the Criminal Justice and Immigration Act 2008 (c. 4), sections 97 and 112 of, and Part 8 of Schedule 8 to, the Policing and Crime Act 2009 (c. 26), articles 2 and 4 of S.I. 2009/203 and regulation 8 of S.I. 2010/1146.

Status: *This is the original version (as it was originally made).*
