
STATUTORY INSTRUMENTS

2024 No. 259

The Crown Court (Amendment) Rules 2024

Amendments to the Crown Court Rules 1982

2.—(1) The Crown Court Rules 1982(1) are amended as follows.

(2) In rule 2 (interpretation) after paragraph (2) insert—

“(3) In these Rules—

“domestic abuse protection order” has the same meaning as in section 27 of the Domestic Abuse Act 2021(2) (meaning of “domestic abuse protection order”);

“live link” means an arrangement by which—

- (a) a person (P) taking part in proceedings can hear, or can see and hear, every other person taking part in those proceedings who is not in the same location as P; and
- (b) all those other people can hear, or can see and hear, P.”.

(3) In rule 4 (justices as judges of the Crown Court; dispensation for special circumstances) in paragraph (1) omit “or Rule 3”.

(4) After rule 5A (case management) insert—

“Live links

5B.—(1) The court may exercise its power to allow or require anyone, including any member or members of the court, to take part in proceedings by live link—

- (a) on application or on the court’s own initiative; and
- (b) as long as the court is satisfied that it is in the interests of justice to exercise that power in that way.

(2) Unless the court otherwise directs—

- (a) a person who takes part in proceedings by live link must be treated as present; and
- (b) where a member of the court takes part in proceedings by live link those proceedings must be treated as taking place—
 - (i) at any place at which the court lawfully can sit in England and Wales, and
 - (ii) at any such place as the appropriate officer of the Crown Court advertises as the place of the hearing.

(1) S.I. 1982/1109; relevant amending instruments are S.I. 1986/2151, 1988/952, 1988/1322, 1988/1635, 1989/1103, 1990/2157, 1991/1288, 1994/1480, 1994/3153, 1995/2618, 1997/701, 1998/2168, 1999/598, 1999/3040, 2000/2093, 2000/2987, 2000/3362, 2001/614, 2002/1688, 2002/2783, 2003/422, 2003/639, 2003/1664, 2004/1047, 2004/2991, 2005/617. Other relevant amendments were made by section 70 of the Criminal Justice Act 1991 (c. 53) and section 59 of, and paragraph 1 of Schedule 1 to, the Constitutional Reform Act 2005 (c. 4).

(2) 2021 c. 17; section 27 comes into force on a date to be appointed.

Measures to help a witness to give evidence

- 5C.**—(1) The court may exercise its power to facilitate the giving of evidence by a witness—
- (a) on application or on the court’s own initiative; and
 - (b) as long as the court is satisfied that it is in the interests of justice to exercise that power in that way.
- (2) An applicant for the exercise of that power must explain which one or more of the following arrangements the applicant suggests—
- (a) by means of a screen or other arrangement preventing the witness from seeing, or being seen by, another person except—
 - (i) any member of the court,
 - (ii) any legal representative acting in the proceedings, and
 - (iii) any interpreter or other person appointed to assist the witness;
 - (b) by means of a device allowing questions and answers to be communicated to or by the witness despite any disability, disorder or other impairment;
 - (c) allowing the witness to be accompanied, with directions about seating arrangements for the companion; and
 - (d) any other arrangement that the applicant thinks would be desirable to facilitate the giving of evidence by the witness and which the court has power to direct including any special measure that the court can direct by reason of section 49 of the Domestic Abuse Act 2021.”.
- (5) In rule 7 (notice of appeal)—
- (a) omit paragraph (2)(b) and (d);
 - (b) in paragraph (3) omit the words from “is given” to the end; and
 - (c) in paragraph (7)—
 - (i) omit sub-paragraph (c), and
 - (ii) omit the words after “the appellant shall give notice of the extension to any other party to the appeal”.
- (6) In rule 11 (abandonment of appeal) in paragraph (2)—
- (a) omit sub-paragraph (b);
 - (b) in sub-paragraph (d) omit the words after “any other party to the appeal”; and
 - (c) in the words after sub-paragraph (d) omit “or (b)”.
- (7) For the cross-heading immediately above rule 11A substitute—
 “PART IIIA APPEALS UNDER THE DOMESTIC ABUSE ACT 2021”.
- (8) For rule 11A substitute—

“Service of order

11A. Unless the court otherwise directs—

- (a) a domestic abuse protection order made or varied on appeal from a magistrates’ court must be served on the defendant; and
- (b) service must be effected—
 - (i) by a constable or by an employee of a police authority, and
 - (ii) by handing a copy of the order to the defendant in person.

Notice to responsible person of requirement for supervision or monitoring

11B.—(1) This rule applies where a domestic abuse protection order made or varied on appeal from a magistrates’ court imposes on the defendant—

- (a) a requirement to do something that specifies a person to be responsible for supervising compliance with that requirement, under section 36 of the Domestic Abuse Act 2021⁽³⁾ (further provision about requirements that may be imposed by orders); or
 - (b) an electronic monitoring requirement, under section 37 of that Act⁽⁴⁾ (further provision about electronic monitoring requirements).
- (2) The appropriate officer of the Crown Court must—
- (a) notify the person to be responsible for the supervision or monitoring that the order has been made and provide that person with—
 - (i) the defendant’s name, address and, if available, telephone number,
 - (ii) details of the requirement to be supervised or monitored,
 - (iii) the duration of the order, and
 - (iv) if applicable, details of the place at which the defendant’s presence must be monitored and the period or periods during which the defendant’s presence at that place must be monitored;
 - (b) inform the defendant of the responsible person’s identity and the means by which that person may be contacted; and
 - (c) notify the responsible person of any subsequent variation or discharge of the requirement.

Exclusion of requirement for notice of hearsay evidence

11C. Section 2(1) of the Civil Evidence Act 1995⁽⁵⁾ (notice of proposal to adduce hearsay evidence) does not apply on an appeal under section 46 of the Domestic Abuse Act 2021⁽⁶⁾ (appeals).”.

(9) For rule 12 (jurisdiction to award costs) substitute—

“Jurisdiction to award costs

12.—(1) Subject to the provisions of section 109(1) of the Magistrates’ Courts Act 1980 (power of magistrates’ courts to award costs on abandonment of appeals from magistrates’ courts) no party shall be entitled to recover any costs of any proceedings in the Crown Court from any other party to the proceedings except under an order of the court.

(2) Subject to the following provisions of this Rule the Crown Court may make such order for costs as it thinks just.

(3) No order for costs shall be made on the abandonment of an appeal from a magistrates’ court by giving notice under Rule 11.

(4) Without prejudice to the generality of paragraph (2), the Crown Court may make an order for costs on dismissing an appeal where the appellant has failed to proceed with the appeal or on the abandonment of an appeal.”.

(3) 2021 c. 17; section 36 comes into force on a date to be appointed.

(4) 2021 c. 17; section 37 comes into force on a date to be appointed.

(5) 1995 c. 38.

(6) 2021 c. 17; section 46 comes into force on a date to be appointed.

(10) In rule 14 (taxation) in paragraph (2) omit “or under section 4(2) of the Costs in Criminal Cases Act 1973.”

(11) In rule 15 (review by taxing authority) in paragraph (1) omit “section 4(2) of the Costs in Criminal Cases Act 1973 or”.

(12) In rule 20 (supplementary provisions about bail) omit paragraphs (2), (3), (5), (6), (7) and (8).

(13) In rule 27 (business in chambers) in paragraph (2)—

(a) for sub-paragraph (d) substitute—

“(d) jurisdiction under rule 7(7) or 26;” and

(b) omit sub-paragraphs (dd) to (h).

(14) For rule 28 (service of documents) substitute—

“Service of documents

28.—(1) Subject to paragraph (6), a notice or other document which is required by these Rules to be given to a person may be served by—

- (a) handing it to the person in person or, where the person is a corporation, to a person holding a senior position in that corporation;
- (b) posting it to the person at an address where it is reasonably believed that the person will receive it or, where the person is a corporation, the address for service in accordance with paragraph (2);
- (c) addressing it to the person and leaving it for the person at an address where it is reasonably believed that the person will receive it;
- (d) where the person has given an electronic address and has not refused to accept service at that address, sending it by electronic means to the address which the person has given;
- (e) where the person to be served is given access to an electronic address at which a document may be deposited and has not refused to accept service by the deposit of a document at that address, by depositing it at that address and making it possible for the recipient to read the document, or view or listen to its content, as the case may be, and notifying the recipient of the deposit of the document (which notice may be given by electronic means);
- (f) where the person is in custody, sending it to his or her custodian, addressed to the person;
- (g) where the person has given a document exchange (DX) box number, and has not refused to accept service by DX, addressing it to the person at that DX box number and leaving it at that document exchange;
- (h) where the person is legally represented, serving it on the person’s legal representative in the same manner as it could be served on the person under sub-paragraphs (a), (b), (c) and (g);
- (i) where the person is legally represented and the person’s legal representative has given an electronic address, sending it to that address;
- (j) where the person to be served is legally represented and the legal representative is given access to an electronic address at which a document may be deposited. by depositing it at that address and making it possible for the recipient to read the document, or view or listen to its content, as the case may be, and notifying the recipient of the deposit of the document (which notice may be given by electronic means); or

(k) any other method specified by the court.

(2) Where the person is a corporation, the address for service under this rule is the person's principal office, and if there is no readily identifiable principal office, then any place where it carries on its activities or business.

(3) Where under these Rules a notice or other document is required to be served in any particular manner—

(a) the notice or document will, if served in accordance with paragraph (1), be deemed to have been as effectively served as if served in that particular manner; and

(b) if the notice or document is served in that particular manner, nothing in this rule invalidates such service.

(4) A notice or other document served in accordance with paragraph (1) shall be deemed to have been received by the person—

(a) if handed to the person or the person's legal representative in accordance with paragraph (1)(a) or (h), when so handed;

(b) if sent by electronic means in accordance with paragraph (1)(d) or (i), one day after being sent;

(c) if served in accordance with paragraph (1)(k), on a date specified by the court;

(d) in any other case, three business days after it was posted, left, or sent in accordance with paragraph (1)(b), (c), (f) or (g),

unless something different is shown.

(5) Unless something different is shown, a document produced by a computer system for dispatch by post is to be taken as having been sent by post, or the equivalent of post, to the addressee on the third business day after the day on which it was produced.

(6) This rule does not apply to a domestic abuse protection order (for which rule 11A requires service on the defendant personally).”.

(15) For rule 29 (Reference to the European Court) substitute—

“The open justice principle

29.—(1) Where rules 30, 31, 32 and 33 apply, the appropriate officer of the Crown Court and the court must have regard to the importance of—

(a) dealing with cases in public;

(b) allowing a public hearing to be reported to the public; and

(c) the rights of a person affected by a direction or order made, or warrant issued, by the court to understand why that decision was made.

(2) In rules 32 and 33 this requirement is called ‘the open justice principle’.”.

(16) For rule 30 (Notice required to accompany process served outside the United Kingdom and translations) substitute—

“Request for information about a case

30.—(1) This rule applies where anyone, including a member of the public or a reporter, requests information about a case.

(2) A person requesting information must—

(a) ask the appropriate officer of the Crown Court;

(b) specify the information requested; and

- (c) pay any fee prescribed.
- (3) The request—
 - (a) may be made orally or in writing, and need not explain why the information is requested, if this rule requires the appropriate officer to supply that information; but
 - (b) must be in writing, unless the court otherwise permits, and must explain why the information is requested, if this rule does not so require.
- (4) Subject to paragraph (5), the appropriate officer must supply to the person making the request—
 - (a) the date of a hearing in public;
 - (b) in general terms, the subject of the proceedings;
 - (c) the court’s decision at a hearing in public;
 - (d) whether the case is under appeal;
 - (e) the identity of—
 - (i) the parties,
 - (ii) the parties’ representatives, including their addresses, and
 - (iii) the judge, magistrate or magistrates, or justices’ legal adviser by whom a decision at a hearing in public was made;
 - (f) such other information about the case as is required by arrangements to which paragraph (6)(c) refers; and
 - (g) details of any reporting or access restriction ordered by the court.
- (5) The appropriate officer must not supply the information requested if—
 - (a) the supply of that information is prohibited by a reporting restriction;
 - (b) that information is the date of a hearing in public of which a party has yet to be notified;
 - (c) that information concerns proceedings determined by the court without notice to—
 - (i) a party to those proceedings, or
 - (ii) a person affected by those proceedings; or
 - (d) that information is not readily available to the designated officer (for example, because of the location or conditions of its storage).
- (6) Where the appropriate officer must supply the information requested the supply may be—
 - (a) by word of mouth;
 - (b) in writing, including by written certificate or extract from a court record; or
 - (c) by such other arrangements as the Lord Chancellor directs, including supply by electronic means.
- (7) Where this rule does not require the designated officer to supply the information requested then unless that information can be supplied under rule 31—
 - (a) the appropriate officer must refer the request to the court; and
 - (b) rule 32 applies.”.
- (17) For rule 31 (Proof of service outside the United Kingdom) substitute—

“Request for information by a party or person directly affected by a case

31.—(1) This rule applies where a party, or a person directly affected by a direction or order made or a warrant issued by the court, wants information about their case.

(2) Such a party or person must—

- (a) ask the appropriate officer of the Crown Court;
- (b) specify the information requested; and
- (c) pay any fee prescribed.

(3) The request—

- (a) may be made orally or in writing, and need not explain why the information is requested, if this rule requires the appropriate officer to supply that information; but
- (b) must be in writing, unless the court otherwise permits, and must explain why the information is requested, if this rule does not so require.

(4) Subject to paragraph (5), the appropriate officer must supply to the party or person making the request—

- (a) information about the terms of any direction or order made, or warrant issued, which was—
 - (i) served on, or addressed or directed to, that party or person, or
 - (ii) made on an application by that party or person; and
- (b) information received from that party or person (which might be, for example, to establish what information the court holds, or in case of a loss of that information by the party or person making the request).

(5) The appropriate officer must not supply the information requested if that information—

- (a) concerns the grounds on which a direction or order was made, or a warrant issued, in the absence of the party or person making the request; or
- (b) is not readily available to the designated officer (for example, because of the location or conditions of its storage).

(6) Where the appropriate officer must supply the information requested the supply may be, at the choice of the party or person making the request—

- (a) by word of mouth;
- (b) in writing, including by written certificate or extract from a court record; or
- (c) by a copy of a document served by, or on, that party or person (but not of a document not so served).

(7) Where this rule does not require the appropriate officer to supply the information requested—

- (a) the appropriate officer must refer the request to the court; and
- (b) rule 32 applies.”.

(18) For rule 32 (Supply of copy of notice of request for assistance abroad) substitute—

“Request for information determined by the court

32.—(1) This rule applies where the appropriate officer of the Crown Court refers to the court a request for information under rule 30 (request for information about a case) or rule 31 (request for information by a party or person directly affected by a case).

(2) The appropriate officer must—

- (a) serve the request on—
 - (i) the applicant for any direction, order or warrant that the request concerns which was made or issued in the absence of the party or person making the request, and
 - (ii) anyone else, and to such extent, as the court directs; and
- (b) notify the party or person making the request of—
 - (i) the date of its service under this rule, and
 - (ii) the identity of each person served with it, if the court so directs.
- (3) If a party or person served with the request objects to the supply of information requested the objector must—
 - (a) give notice of the objection not more than 20 business days after service of the request, or within any longer period allowed by the court;
 - (b) serve that notice on the appropriate officer and on the party or person making the request; and
 - (c) if the objector wants a hearing, explain why one is needed.
- (4) A notice of objection must explain—
 - (a) whether the objection is to the supply of the whole of the information requested, or only to the supply of a specified part or specified parts;
 - (b) whether the objection applies without limit of time, or only for a specified period (for example, until a date or event specified by the objector); and
 - (c) the grounds of the objection.
- (5) Where a notice of objection includes material that the objector thinks ought not be revealed to the party or person making the request, the objector must—
 - (a) omit that material from the notice served on that party or person;
 - (b) mark the material to show that it is only for the court; and
 - (c) with that material include an explanation of why it has been withheld.
- (6) The court must not determine the request, and information requested must not be supplied, until—
 - (a) each party or person served with the request has had at least 20 business days, or any longer period allowed by the court, in which to object or make other representations; and
 - (b) the court is satisfied that in all the circumstances every such party or person has had a reasonable opportunity to do so.
- (7) The court may determine the request—
 - (a) without a hearing; or
 - (b) at a hearing, which—
 - (i) may be in public or private, but
 - (ii) must be in private, unless the court otherwise directs, where the request concerns a direction, order or warrant made or issued in the absence of the party or person making the request.
- (8) Where a notice of objection includes material that the objector thinks ought not be revealed to the party or person making the request—
 - (a) any hearing of the request may take place, wholly or in part, in the absence of the party or person making it; and

- (b) at any such hearing the general rule is that the court must consider, in the following sequence—
 - (i) representations first by the party or person making the request and then by the objector, in the presence of both, and then
 - (ii) further representations by the objector, in the absence of the party or person making the requestbut the court may direct other arrangements for the hearing.
- (9) In deciding whether to order the supply of the information requested the court must have regard to—
 - (a) the open justice principle;
 - (b) any reporting restriction;
 - (c) rights and obligations under other legislation;
 - (d) the importance of any public interest in the withholding of that information, or in its supply only in part or subject to conditions (which public interest might be, for example, in preventing injustice, protecting others' rights, protecting the confidentiality of a criminal investigation or protecting national security); and
 - (e) the extent to which that information is otherwise available to the party or person making the request.
- (10) Where the court orders the supply of the information requested the supply may be, at the court's direction—
 - (a) by word of mouth;
 - (b) in writing, including by written certificate or extract from a court record; or
 - (c) by a copy of a document.”.
- (19) For rule 33 (Application for increase in term of imprisonment in default of payment of a confiscation order) substitute—

“Publication of information about court hearings

- 33.—**(1) Where a case is due to be heard in public, the appropriate officer of the Crown Court must—
- (a) publish the information listed in paragraph (2)—
 - (i) if that information is available to the designated officer, and
 - (ii) unless the publication of that information is prohibited by a reporting restriction; and
 - (b) publish that information for no longer than 5 business days—
 - (i) by notice displayed somewhere prominent in the vicinity of a court room in which the hearing is due to take place, and
 - (ii) by such arrangements as the Lord Chancellor directs, including arrangements for publication by electronic means, but only to the extent needed to comply with the open justice principle.
- (2) The information that paragraph (1) requires the appropriate officer to publish is—
- (a) the date, time and place of the hearing;
 - (b) the identity of the parties; and
 - (c) such other information as it may be practicable to publish concerning—
 - (i) the type of hearing,

- (ii) the identity of the court,
- (iii) in general terms, the subject of the proceedings, and
- (iv) whether any reporting or access restriction applies.”.

(20) Omit—

- (a) rule 3;
- (b) rules 9 to 10B inclusive;
- (c) rule 19;
- (d) rules 21A to 23ZC inclusive;
- (e) rule 23B;
- (f) rules 23D to 24E inclusive;
- (g) rules 25 to 25E inclusive;
- (h) rule 27A;
- (i) rules 32A to 32F inclusive; and
- (j) rules 34 to 39 inclusive.