
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules contain provisions relating to applications for a special measures direction in the case of witnesses who require assistance on the grounds of age or incapacity or on the grounds of fear or distress about testifying. Rule 2 provides for application for a special measures direction to be made in the form specified in the Schedule to the Rules or a form to the like effect. Applications for a direction to give evidence by means of a live television link or by means of a video recording of the witness's testimony must provide the additional information specified in Part B or Part C of the form. Rule 3 provides rules for extending the time for making an application for a special measures direction and rule 4 provides for late applications.

Rule 5 provides for an application to be made to vary or discharge a special measures direction which has already been made. Rule 6 provides for renewal applications where a material change of circumstances has occurred since an application was refused.

Additional requirements are imposed where the application relates either to the giving of evidence by means of a live television link (rule 7) or the admission of a video recording of an interview of the witness as evidence in chief of the witness (rule 8).

Rule 9 provides for the mutual disclosure between the parties of expert evidence to be adduced in connection with the application for the special measures direction.

Rule 10 inserts a new rule 24E in the Crown Court Rules 1982 and makes provision relating to applications for a direction preventing an accused in criminal proceedings from cross-examining a witness in person.

Rule 11 contains revocations.