
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 31

**RESTRICTION ON CROSS-EXAMINATION BY A
DEFENDANT ACTING IN PERSON IN THE CROWN COURT**

Prohibition on cross-examination of particular witness in the Crown Court

31.4.—(1) An application by the prosecutor for the court to give a direction under section 36 of the Youth Justice and Criminal Evidence Act 1999 in relation to any witness must be sent to the court officer and at the same time a copy thereof must be sent by the applicant to every other party to the proceedings.

- (2) In his application the prosecutor must state why, in his opinion—
- (a) the evidence given by the witness is likely to be diminished if cross-examination is undertaken by the accused in person;
 - (b) the evidence would be improved if a direction were given under section 36(2) of the 1999 Act; and
 - (c) it would not be contrary to the interests of justice to give such a direction.
- (3) On receipt of the application the court officer must refer it—
- (a) if the trial has started, to the trial judge; or
 - (b) if the trial has not started when the application is received—
 - (i) to the judge who has been designated to conduct the trial, or
 - (ii) if no judge has been designated for that purpose, to such judge who may be designated for the purposes of hearing that application.

(4) Where a copy of the application is received by a party to the proceedings more than 14 days before the date set for the trial to begin, that party may make observations in writing on the application to the court officer, but any such observations must be made within 14 days of the receipt of the application and be copied to the other parties to the proceedings.

(5) A party to whom an application is sent in accordance with paragraph (1) who wishes to oppose the application must give his reasons for doing so to the court officer and the other parties to the proceedings.

- (6) Those reasons must be notified—
- (a) within 14 days of the date the application was served on him, if that date is more than 14 days before the date set for the trial to begin;
 - (b) if the trial has begun, in accordance with any directions issued by the trial judge; or
 - (c) if neither paragraph (6)(a) nor (b) applies, before the date set for the trial to begin.

(7) Where the application made in accordance with paragraph (1) is made before the date set for the trial to begin and—

- (a) is not contested by any party to the proceedings, the court may determine the application without a hearing;
 - (b) is contested by a party to the proceedings, the court must direct a hearing of the application.
- (8) Where the application is made after the trial has begun—
- (a) the application may be made orally; and
 - (b) the trial judge may give such directions as he considers appropriate to deal with the application.
- (9) Where a hearing of the application is to take place, the court officer shall notify each party to the proceedings of the time and place of the hearing.
- (10) A party notified in accordance with paragraph (9) may be present at the hearing and be heard.
- (11) The court officer must, as soon as possible after the determination of an application made in accordance with paragraph (1), give notice of the decision and the reasons for it to all the parties to the proceedings.
- (12) A person making an oral application under paragraph (8)(a) must—
- (a) give reasons why the application was not made before the trial commenced; and
 - (b) provide the court with the information set out in paragraph (2).

[Note. Formerly rule 24E of the Crown Court Rules 1982.]