
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules add the following new provisions to The Criminal Procedure Rules 2005:

- a new Part 6 (Investigation orders) that deals with applications for production and other orders under the Terrorism Act 2000 and the Proceeds of Crime Act 2002. These new rules supersede the existing rules in Part 62, which apply only to some applications under the 2002 Act.
- a new Part 22 (Disclosure) that consolidates, revises and simplifies the content of existing Parts 22, 23, 25 and 26.
- a new Part 27 (Witness statements), in substitution for the existing Part 27, that revises and simplifies the rules about the content and service of written witness statements.
- a new Part 62 (Contempt of court) that deals with applications for the punishment for contempt of court of those who disobey court orders, or who disclose prosecution material without authority.
- a new Part 76 (Costs) that revises and simplifies the rules about applications for costs orders. These new rules supersede the existing rules in Part 78, and deal with applications for all the costs orders that the criminal courts can make.
- new rules in Part 2 (Understanding and applying the Rules) make transitional provision and explain when the new rules in Parts 6, 22, 62 and 76 will apply.

In addition, these Rules make the following amendments to The Criminal Procedure Rules 2005:

- Part 3 (Case management) is amended to require specifically that steps are taken to facilitate the attendance of witnesses.
- Part 4 (Service of documents) is amended to require the personal service of an application to punish for contempt of court.
- Part 5 (Forms) is amended to incorporate the rules about court records contained in the existing Part 6 (Court records), leaving Part 6 available for the new rules about investigation orders.
- Part 14 (The indictment) is amended so as no longer to imply that the signature of a draft indictment is required for it to become an indictment.
- Part 19 (Bail in magistrates' courts and the Crown Court) is amended to require specifically that the providers of electronic monitoring and other bail services are notified of relevant bail conditions, and variations of them.
- Part 32 (International co-operation) is amended to provide for the court's consideration of an "overseas freezing order" (an order to secure evidence sought in another state), and to remove the current requirement that magistrates' courts' records of overseas orders must be kept in a separate book.
- Part 33 (Expert evidence) is amended to incorporate and revise the rules about serving expert evidence contained in the existing Part 24 (Disclosure of expert evidence).
- Part 59 (Proceeds of Crime Act 2002 150 150 150 150 150 150 150 150 150 150 rules for restraint proceedings) is amended to provide for an application to punish for contempt of court a person who disobeys a restraint order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Part 65 (Appeal to the Court of Appeal: general rules) is amended to give the Court of Appeal a discretion whether or not to hear oral representations on an appeal against an order restricting public access to proceedings in the Crown Court.
- Parts 23, 24, 25, 26, 77 and 78 are omitted, in consequence of the consolidation of rules made by the other changes.
- other amendments bring up to date references to the new Supreme Court and other cross-references in The Criminal Procedure Rules 2005.
- the Arrangement of Rules is amended to accommodate all these changes.

The changes made by these Rules come into force on 5th October 2009.