
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 29

MEASURES TO ASSIST A WITNESS OR DEFENDANT TO GIVE EVIDENCE

SECTION 3: SPECIAL MEASURES DIRECTIONS

Content of application for a special measures direction

- 29.10.** An applicant for a special measures direction must—
- (a) explain how the witness is eligible for assistance;
 - (b) explain why special measures would be likely to improve the quality of the witness' evidence;
 - (c) propose the measure or measures that in the applicant's opinion would be likely to maximise so far as practicable the quality of that evidence;
 - (d) report any views that the witness has expressed about—
 - (i) his or her eligibility for assistance,
 - (ii) the likelihood that special measures would improve the quality of his or her evidence, and
 - (iii) the measure or measures proposed by the applicant;
 - (e) in a case in which a child witness or a qualifying witness does not want the primary rule to apply, provide any information that the court may need to assess the witness' views;
 - (f) in a case in which the applicant proposes that the witness should give evidence by live link—
 - (i) identify someone to accompany the witness while the witness gives evidence,
 - (ii) name that person, if possible, and
 - (iii) explain why that person would be an appropriate companion for the witness, including the witness' own views;
 - (g) in a case in which the applicant proposes the admission of video recorded evidence, identify—
 - (i) the date and duration of the recording,
 - (ii) which part the applicant wants the court to admit as evidence, if the applicant does not want the court to admit all of it;
 - (h) attach any other material on which the applicant relies; and
 - (i) if the applicant wants a hearing, ask for one, and explain why it is needed.

[Note. The Practice Direction sets out a form of application for use in connection with this rule.]