

EXPLANATORY NOTE

(This note is not part of the Rules)

The Criminal Procedure Rules 2015:

- (a) consolidate the Criminal Procedure Rules 2014, [S.I. 2014/1610](#), with the amendments made by [S.I. 2015/13](#) and [2015/646](#);
- (b) rearrange the content of the Rules; and
- (c) include the amendments listed beneath.

The Parts of the Criminal Procedure Rules 2015 correspond with those of the Criminal Procedure Rules 2014 as follows:

<i>Destinations</i>		<i>Derivations</i>	
<i>2014 Rules</i>	<i>2015 Rules</i>	<i>2015 Rules</i>	<i>2014 Rules</i>
1	1	1	1
2	2 and 46	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	47	6	16
7	7	7	7
8	12	8	10
9	9	9	9
10	8	10	14
12	11	11	12
14	10	12	8
16	6	13	18
17	50	14	19
18	13	15	22
19	14	16	27
22	15	17	28
27	16	18	29
28	17	19	33
29	18	20	34
31	(23)	21	35
32	49	22	36

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<i>Destinations</i>		<i>Derivations</i>	
<i>2014 Rules</i>	<i>2015 Rules</i>	<i>2015 Rules</i>	<i>2014 Rules</i>
33	19	23	(31)
34	20	24	37
35	21	25	38
36	22	26	39
37	24	27	(40 and 41)
38	25	28	42
39	26	29	55
40	(27)	30	52
41	(27)	31	50
42	28	32	44
44	32	33	56, 57, 58, 59, 60 and 61
50	31	34	63
52	30	35	64
55	29	36	65
56	33	37	66
57	33	38	67
58	33	39	68
59	33	40	69
60	33	41	70
61	33	42	71, 72 and 73
62	48	43	74
63	34	44	75
64	35	45	76
65	36	46	Rule 2.4
66	37	47	6
67	38	48	62
68	39	49	32
69	40	50	17
70	41		
71	42		
72	42		
73	42		
74	43		

<i>Destinations</i>		<i>Derivations</i>	
<i>2014 Rules</i>	<i>2015 Rules</i>	<i>2015 Rules</i>	<i>2014 Rules</i>
75	44		
76	45		

Corresponding rules within corresponding Parts retain their numbers within those Parts, so that, for example, rule 29.10 of the Criminal Procedure Rules 2014 (Content of application for a special measures direction) becomes rule 18.10 of these Rules.

Parts 11, 13, 15, 20, 21, 23, 24, 25, 26, 30, 43, 45, 46, 47, 48, 49, 51, 53, and 54 of the Criminal Procedure Rules 2014 contained no rules and are omitted. Part 31 of the Criminal Procedure Rules 2014 (Restriction on cross-examination by a defendant acting in person) is omitted, but the rules it contained are replaced by the rules in Part 23 of these Rules (Restriction on cross-examination by a defendant). Parts 40 and 41 of the Criminal Procedure Rules 2014 (Tainted acquittals; Retrial following acquittal for serious offence) are omitted, but the rules they contained are replaced by the rules in Part 27 of these Rules (Retrial after acquittal). Rule 2.4 of the Criminal Procedure Rules 2014 (Representatives) is reproduced as rule 46.1 of these Rules (Functions of representatives and supporters).

The rules in Part 33 of these Rules (Confiscation and related proceedings) correspond with the rules in Parts 56, 57, 58, 59, 60 and 61 of the Criminal Procedure Rules 2014 from which they derive as follows:

<i>2014</i>	<i>2015</i>	<i>2014</i>	<i>2015</i>	<i>2014</i>	<i>2015</i>	<i>2014</i>	<i>2015</i>
56.1	33.64	57.4	33.4	57.13	33.11	58.8	33.20
56.2	33.65	57.5	33.5	57.14	33.12	58.9	33.21
56.3	33.66	57.6	33.6	58.1	33.13	58.10	33.22
56.4	33.67	57.7	33.7	58.2	33.14	58.11	33.23
56.5	33.68	57.8	33.8	58.3	33.15	58.12	33.24
56.6	33.69	57.9	–	58.4	33.16	58.13	33.25
57.1	33.1	57.10	–	58.5	33.17	58.14	33.26
57.2	33.2	57.11	33.9	58.6	33.18	58.15	33.27
57.3	33.3	57.12	33.10	58.7	33.19	59.1	33.51
<i>2014</i>	<i>2015</i>	<i>2014</i>	<i>2015</i>	<i>2014</i>	<i>2015</i>	<i>2014</i>	<i>2015</i>
59.2	33.52	60.2	33.57	61.4	33.35	61.14	33.45
59.3	33.53	60.3	33.58	61.5	33.36	61.15	33.46
59.4	33.54	60.4	33.59	61.6	33.37	61.16	–
59.5	33.55	60.5	33.60	61.7	33.38	61.17	–
59.6	33.70	60.6	33.61	61.8	33.39	61.18	–
59.7	33.28	60.7	33.62	61.9	33.40	61.19	33.47
59.8	33.29	60.8	33.63	61.10	33.41	61.20	33.48
59.9	33.30	61.1	33.32	61.11	33.42	61.21	33.49
59.10	33.31	61.2	33.33	61.12	33.43	61.22	33.50

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60.1 33.56 || 61.3 33.34 || 61.13 33.44 ||

Rules 57.9 and 57.10 of the Criminal Procedure Rules 2014, which concerned expert evidence in confiscation and related proceedings, are omitted. Those rules are superseded by the rules in Part 19 of these Rules (Expert evidence). Rules 61.16, 61.17 and 61.18 of the Criminal Procedure Rules 2014, which concerned appointment and change of solicitor in restraint and receivership proceedings, are omitted. Those rules are superseded by the rules in Part 46 of these Rules (Representatives).

The rules in Part 42 of these Rules (Appeal to the Court of Appeal in confiscation and related proceedings) correspond with the rules in Parts 71, 72 and 73 of the Criminal Procedure Rules 2014 from which they derive as follows:

<i>2014</i>	<i>2015</i>	<i>2014</i>	<i>2015</i>	<i>2014</i>	<i>2015</i>	<i>2014</i>	<i>2015</i>
71.1	42.1	71.6	42.6	72.1	42.11	73.3	42.16
71.2	42.2	71.7	42.7	72.2	42.12	73.4	42.17
71.3	42.3	71.8	42.8	72.3	42.13	73.5	42.18
71.4	42.4	71.9	42.9	73.1	42.14	73.6	42.19
71.5	42.5	71.10	42.10	73.2	42.15	73.7	42.20

The numbering of section headings in Parts 5, 6, 9, 14, 18, 45 and 48 of these Rules is omitted, where that numbering served no purpose.

These Rules incorporate the further amendments listed beneath. Otherwise, they reproduce the rules that they supersede.

<i>Rule</i>	<i>Amendment</i>
Part 1	Rule 1.1 is amended to omit the description of the Criminal Procedure Rules as ‘new’.
Part 2	Rule 2.1 is amended to provide for the transition to the Criminal Procedure Rules 2015. Rule 2.2 is amended to supply definitions of ‘advocate’ and ‘legal representative’. Rule 2.3 is amended to provide for citation of the Criminal Procedure Rules in the criminal courts. Rule 2.4 is omitted (and reproduced in Part 46). The table of contents is amended correspondingly.
Part 3	Rule 3.3 is amended to require communication between the parties. Rule 3.12 is renamed and the references to forms which it contained are omitted (and superseded by rule 5.1). Rule 3.13 is amended to require a plea and trial preparation hearing, in substitution for a plea and case management hearing, in the Crown Court. Rules 3.19 and 3.26 are amended in consequence. The table of contents is amended correspondingly.
Part 4	Rule 4.3 is amended to allow for service by handing a document to an advocate at court. Rules 4.6 and 4.13 are amended to allow for electronic service by deposit of a document at an electronic address to which the person to be served is given access. Rule 4.7 is amended to confine the categories of document that may be served only by handing over or posting such documents. Rule 4.10 is added to specify the documents that may not be served on a party’s legal representative, unless the court otherwise directs, and the subsequent rules are renumbered and rule 4.2 is amended in consequence. Rule 4.11 (as renumbered) is amended

- to provide that service by electronic means will have effect on the business day of sending if service occurs by 2.30pm. The table of contents is amended correspondingly.
- Part 5 Rule 5.1 is renamed and amended to allow for the use of electronic means to make an application or to supply information in place of using forms. The table of contents is amended correspondingly.
- Part 6 The note to rule 6.1 is amended to omit the reference to section 39 of the Children and Young Persons Act 1933 and to list the reporting restrictions under sections 45 and 45A of the Youth Justice and Criminal Evidence Act 1999 (powers to prohibit the identification of persons under 18), and under Schedule 1 to the Female Genital Mutilation Act 2003 (power to prohibit the identification of a person against whom a female genital mutilation offence is alleged to have been committed). Rule 6.4 is amended to provide for applications under section 45A of the 1999 Act.
- Part 8 Rule 8.1 is amended to apply Part 8 to all cases. In rule 8.3, the list of the material that must be included in initial details of the prosecution case is amended.
- Part 9 Rules 9.9(2) and 9.13(5) are amended to clarify the effect of the procedures for which they provide. The note to rule 9.13 is amended to refer to the provisions under which a young defendant may be committed for sentence to the Crown Court.
- Part 14 Rule 14.1 and the note to rule 14.2 are amended, and rules 14.16 and 14.17 are added, to provide for bail conditions pending trial which can be supervised in another European Union member State, and to provide for the supervision in England and Wales of supervision measures imposed in such a State. The note at the end of Part 14 is enlarged to list the requirements that can be supervised, and to list the grounds for refusing to do so. Rule 14.7 is amended to apply the rule to consideration of bail in the Crown Court pending an application to the Court of Appeal for a retrial. The table of contents is amended correspondingly.
- Part 15 Rule 15.2, the note to the rule and the note at the end of Part 15 are amended to include references to the Criminal Procedure and Investigations Act 1996 (Code of Practice) Order 2015.
- Part 16 Rule 16.4 is amended to supply time limits for objecting to the introduction in evidence of a written witness statement. The title to the Part, rule 16.1 and the title to rule 16.2 are amended to clarify the nature of the statements to which they refer. The table of contents is amended correspondingly.
- Part 18 Rules 18.23 and 18.26 are amended to confine the circumstances in which the court need wait for representations before making a live link direction.
- Part 19 Rule 19.2 is amended to clarify the extent of an expert's duty to the court.
- Part 23 The rules in what was Part 31 of the Criminal Procedure Rules 2014 are replaced.
- Part 24 Rules 24.5 and 24.15 are amended to provide for the circumstances in which written witness statements and other material must be read aloud.
- Part 25 Rule 25.2 and the note to the rule are amended to clarify the effect of the procedure for which the rule provides. Rule 25.12 is amended to provide for the circumstances in which written witness statements must be read aloud. Rules 25.14 and 25.18 are amended to require the court to give the jury directions about the law at any appropriate time during a trial; to make further provision about

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- directions to the jury; and to require the court officer to record the dates and times at which directions are given. The table of contents is amended correspondingly.
- Part 26 Rule 26.3 is amended in consequence of the creation by the Criminal Justice and Courts Act 2015 of new offences which a juror may commit. Rule 26.5 is added to provide for the exercise of the power created by that Act to confiscate temporarily jurors' mobile phones and other electronic communication devices. The table of contents is amended correspondingly.
- Part 27 This Part replaces the rules in Parts 40 and 41 of the Criminal Procedure Rules 2014. See also the destination and derivation tables above.
- Part 28 Rules 28.1 and 28.5 are amended to supplement sections 8, 9 and 10 of the Modern Slavery Act 2015 (slavery and trafficking reparation orders). The table of contents is amended correspondingly.
- Part 29 A new rule 29.1 is inserted to provide for the explanations and questions required where the Road Traffic Offenders Act 1988 makes disqualification from driving, or endorsement of the defendant's driving record, obligatory. The table of contents and the numbering of the other rules in the Part are amended accordingly.
- Part 30 Rule 30.5 is amended to provide for an application to remit a criminal courts charge. The table of contents is amended correspondingly.
- Part 31 Rule 31.1 and the note to the rule are amended to provide for and list European protection orders, slavery and trafficking prevention orders and female genital mutilation protection orders; and further amended in consequence of statutory amendments to serious crime prevention orders, and the replacement of sexual offences prevention orders by sexual harm prevention orders. Rule 31.2 is amended, and rules 31.9 and 31.10 are added, to provide for European protection orders. Rule 31.3 is amended in consequence of the replacement of sexual offences prevention orders. The note to rule 31.5 is amended in consequence of amendments to serious crime prevention orders. Rule 31.11 is amended in consequence of the introduction of the new orders listed above. The table of contents is amended correspondingly.
- Part 33 This Part reproduces the rules contained in Parts 56, 57, 58, 59, 60 and 61 of the Criminal Procedure Rules 2014. See also the destination and derivation tables above. Rule 33.13 and the note to the rule, and rule 33.70, are amended, and rule 33.14 is substituted, in consequence of amendments to the Proceeds of Crime Act 2002 made by the Serious Crime Act 2015 (shared interest property determinations; compliance orders). Rules 33.15 to 33.19 are amended to supplement sections 8, 9 and 10 of the Modern Slavery Act 2015 (slavery and trafficking reparation orders). The table of contents is amended correspondingly.
- Part 34 Rule 34.1 and the note to the rule are amended to omit references to drinking banning orders, now repealed.
- Part 39 Rule 39.8 and the note to the rule are amended to provide for the imposition of bail conditions pending retrial which can be supervised in another European Union member State.
- Part 42 This Part reproduces the rules contained in Parts 71, 72 and 73 of the Criminal Procedure Rules 2014. See also the destination and derivation tables above. In consequence of amendments to the Proceeds of Crime Act 2002 made by the Serious Crime Act 2015 (appeal against shared interest property determination; appeal against compliance order), rules 42.11, 42.14, 42.15, 42.16, 42.17, 42.18,

- 42.19 and 42.20 all are amended. Rules 42.14(1), 42.19(2) and 42.20(2), (3) all are amended to clarify the nature of the obligations imposed on the court.
- Part 46 Rule 2.4 of the Criminal Procedure Rules 2014 is reproduced as rule 46.1. New rules are added that provide for the appointment and change of legal representatives.
- Part 47 The notes to rules 47.1 and 47.15 are amended in consequence of amendments to the Proceeds of Crime Act 2002 which allow a Crown Court judge to make a production order in relation to a detained cash investigation.
- Part 48 Rule 48.9 is amended in consequence of amendments to the Proceeds of Crime Act 2002 made by the Serious Crime Act 2015 (compliance orders).
- Part 49 A note is added to rule 49.10 to describe the orders to which it applies. Rules 49.11, 49.12 and 49.13 are added to provide for forfeiture, restraint and confiscation orders under the legislation to which those rules refer. The table of contents is amended correspondingly.
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Amendments to cross-references, etc. The following rules, and notes to rules ('n'), are amended (i) to bring up to date the cross-references they contain, both generally and in consequence of the re-arrangement of the Rules, and (ii) to align their expression with corresponding rules and notes: 3.1(n), 3.5(n), 3.9(n), 3.13(n), 3.21(n), 3.24, Part 3 end note, 4.3, 4.4, 4.4(n), 4.5, 4.6, 4.7, 5.5, 5.6, 5.8(n), 6.1(n), 6.2(n), 6.5, 6.10, 7.1(n), 7.2(n), 7.4(n), 9.1, 9.2, 9.2(n), 9.5, 9.6, 9.7(n), 9.8(n), 9.9, 9.11, 9.12, 9.13, 9.13(n), 10.1(n), 11.2, 11.4, 11.4(n), 11.5(n), 11.6, 11.6(n), 11.8, 11.9, 11.10, 11.11, 12.1(n), Part 13 introductory note, 14.6, 14.7, 14.8, 14.9, 14.9(n), 15.8, 15.9, 17.1, 17.2(n), 17.3, 17.4, 17.5, 17.7, 18.3(n), 18.18, Part 18 end note, 19.3, 19.4, 19.4(n), 19.8, 20.2(n), 20.3, 20.4, 21.2, 21.2(n), 21.3(n), 21.4(n), 22.5, 22.6, 22.6(n), 24.1, 24.1(n), 24.2, 24.2(n), 24.3, 24.4(n), 24.5, 24.5(n), 24.8, 24.9, 24.9(n), 24.11, 24.11(n), 24.12, 24.13, 24.13(n), 24.14, 24.15, 24.16, 24.17, 24.18, 24.18(n), 25.1(n), 25.2(n), 25.4, 25.6(n), 25.9(n), 25.10, 25.11(n), 25.12, 25.12(n), 25.14, 25.14(n), 25.15, 25.16, 25.16(n), 25.17, 25.18, 26.1(n), Part 28 introductory note, 28.1(n), 28.4, 28.4(n), 28.6(n), 28.8(n), Part 29 introductory note, 29.2, 29.2(n), 30.1, 31.2, 31.2(n), 31.3, 31.3(n), 31.4(n), 31.5(n), 31.6(n), 32.4, 33.1, 33.2, 33.3, 33.4, 33.5, 33.6, 33.7, 33.9, 33.11, 33.12, 33.15, 33.16, 33.17, 33.18, 33.19, 33.20, 33.22, 33.23, 33.24, 33.26, 33.27, 33.30, 33.31, 33.32, 33.33, 33.38, 33.46, 33.48, 33.49, 33.50, 33.51, 33.52, 33.54, 33.56, 33.57, 33.58, 33.59, 33.61, 33.64, 33.65, 33.67, 33.68, 33.69, 33.70, 34.2(n), 34.4, 34.7, 34.8(n), 34.9(n), 35.2(n), 35.5(n), 36.1, 36.1(n), 36.3(n), 36.5(n), 36.6(n), 36.7, 36.8, 36.8(n), 36.10(n), 37.1(n), 37.7, 37.8(n), 38.1(n), 38.2(n), 38.3(n), 38.4(n), 38.5(n), 38.6(n), 38.8, 38.8(n), 38.10, 38.11(n), 39.1(n), 39.2(n), 39.4(n), 39.5, 39.7, 39.7(n), 39.8(n), 39.9, 39.11(n), 40.1(n), 40.7, 40.9(n), 41.1(n), 41.7(n), 42.1, 42.2, 42.3, 42.4, 42.5, 42.6, 42.7, 42.8, 42.9, 42.10, 42.11, 42.12, 42.13, 42.14, 42.15, 42.16, 42.17, 42.18, 42.19, 42.20, 43.1, 43.1(n), 43.2(n), 43.4, 45.1, 45.1(n), 45.2, 45.2(n), 45.3, 45.4(n), 45.5(n), 45.6, 45.6(n), 45.7, 45.7(n), 45.8(n), 45.9, 45.9(n), 45.10(n), 45.11, 45.12, 45.13, 47.1, 47.1(n), 47.6, 47.6(n), 47.7, 47.8, 47.9, 47.10, 47.11, 47.12, 47.13, 47.14, 47.14(n), 47.15, 47.17, 47.18, 47.19, 47.20, 47.21, 47.22, 47.27(n), 47.32, Part 47 Section 8 introductory note, 47.34, 47.35(n), 47.36, 48.1, 48.1(n), 48.2, 48.3, 48.4, 48.5(n), 48.6, 48.8, 48.9, 48.9(n), 48.10, 48.11, 48.12, 48.13, 48.16, 48.17, 49.5(n), 49.7(n), 49.8(n), 50.1, 50.3(n), 50.5(n), 50.6, 50.6(n), 50.7, 50.9, 50.9(n), 50.11, 50.12, 50.13, 50.13(n), 50.14, 50.17, 50.17(n), 50.18, 50.20, 50.21, 50.21(n), 50.22(n), 50.23(n), 50.24, 50.24(n), 50.29.

The glossary omits expressions that no longer appear in the Rules.

These Rules come into force on 5th October 2015.