

STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 18

[^{F1}Measures to help a witness or defendant to give evidence or otherwise participate]

DEFENDANT'S EVIDENCE DIRECTIONS

Exercise of court's powers

18.14. The court may decide whether to give, vary or discharge a defendant's evidence direction—

- (a) at a hearing, in public or in private, or without a hearing; and
- (b) in a party's absence, if that party—
 - (i) applied for the direction, variation or discharge, or
 - (ii) has had at least 10 business days in which to make representations.

Commencement Information

I1 Rule 18.14 in force at 5.10.2020, see Preamble

Content of application for a defendant's evidence direction

18.15. An applicant for a defendant's evidence direction must—

- (a) explain how the proposed direction meets the conditions prescribed by the Youth Justice and Criminal Evidence Act 1999; [^{F1}and]
- [^{F2}(b)] ask for a hearing, if the applicant wants one, and explain why it is needed.

[*Note. See [^{F3}section] 33BA of the Youth Justice and Criminal Evidence Act 1999.*]

F1 Word in rule 18.15(a) inserted (15.8.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2(g), **12(f)(i)**

F2 Original rule 18.15(b) omitted and rule 18.15(c) renumbered as rule 18.15(b) (15.8.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2(g), **12(f)(ii)(iii)**

F3 Word in rule 18.15 substituted (15.8.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2(g), **12(f)(iv)**

Commencement Information

I2 Rule 18.15 in force at 5.10.2020, see Preamble

Application to vary or discharge a defendant's evidence direction

18.16.—(1) A party who wants the court to vary or discharge a defendant's evidence direction must—

- (a) apply in writing, as soon as reasonably practicable after becoming aware of the grounds for doing so; and
- (b) serve the application on—
 - (i) the court officer, and
 - (ii) each other party.
- (2) The applicant must—
 - [^{F4}(a)] on an application to discharge a direction for an intermediary, explain why it is no longer necessary in order to ensure that the defendant receives a fair trial;
 - [^{F4}(b)] on an application to vary a direction for an intermediary, explain why it is necessary for the direction to be varied in order to ensure that the defendant receives a fair trial; and
 - [^{F4}(c)] ask for a hearing, if the applicant wants one, and explain why it is needed.

[*Note. See [^{F5}section] 33BB of the Youth Justice and Criminal Evidence Act 1999.*]

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| <p>F4 Original rule 18.16(a) omitted and rule 18.16(2)(b)(c)(d) renumbered as rule 18.16(2)(a)(b)(c) (15.8.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2(g), 12(g)(i)(ii)</p> <p>F5 Word in rule 18.16 substituted (15.8.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2(g), 12(g)(iii)</p> |
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Commencement Information

- I3** Rule 18.16 in force at 5.10.2020, see Preamble

Representations in response

- 18.17.**—(1) This rule applies where a party wants to make representations about—
- (a) an application for a defendant's evidence direction;
 - (b) an application for the variation or discharge of such a direction; or
 - (c) a direction, variation or discharge that the court proposes on its own initiative.
- (2) Such a party must—
- (a) serve the representations on—
 - (i) the court officer, and
 - (ii) each other party;
 - (b) do so not more than 10 business days after, as applicable—
 - (i) service of the application, or
 - (ii) notice of the direction, variation or discharge that the court proposes; and
 - (c) ask for a hearing, if that party wants one, and explain why it is needed.
- (3) Representations against a direction, variation or discharge must explain why the conditions prescribed by the Youth Justice and Criminal Evidence Act 1999 are not met.

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Commencement Information

I4 Rule 18.17 in force at 5.10.2020, see Preamble

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020,
Cross Heading: DEFENDANT'S EVIDENCE DIRECTIONS.