
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 18

MEASURES TO ASSIST A WITNESS OR DEFENDANT TO GIVE EVIDENCE

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.

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;
- (b) in a case in which the applicant proposes that the defendant give evidence by live link—
 - (i) identify a person to accompany the defendant while the defendant gives evidence, and
 - (ii) explain why that person is appropriate; and
- (c) ask for a hearing, if the applicant wants one, and explain why it is needed.

[Note. See sections 33A and 33BA of the Youth Justice and Criminal Evidence Act 1999.]

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—

- (a) on an application to discharge a live link direction, explain why it is in the interests of justice to do so;
- (b) 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;
- (c) 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
- (d) ask for a hearing, if the applicant wants one, and explain why it is needed.

[Note. See sections 33A(7) and 33BB of the Youth Justice and Criminal Evidence Act 1999.]

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.