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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 5**

**FORMS AND COURT RECORDS**

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*FORMS*

**Applications, etc. by forms or electronic means**

- 5.1.**—(1) This rule applies where a rule, a practice direction or the court requires a person to—
- (a) make an application or give a notice;
  - (b) supply information for the purposes of case management by the court; or

- (c) supply information needed for other purposes by the court.
- (2) Unless the court otherwise directs, such a person must—
- (a) use such electronic arrangements as the court officer may make for that purpose, in accordance with those arrangements; or
- (b) if no such arrangements have been made, use the appropriate form [<sup>F3</sup>issued under] the Practice Direction or the Criminal Costs Practice Direction, in accordance with those Directions.

**F3** Words in rule 5.1(2)(b) substituted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(a)**

**Commencement Information**

**I1** Rule 5.1 in force at 5.10.2020, see Preamble

**Forms in Welsh**

**5.2.**—(1) Any Welsh language form [<sup>F4</sup>issued under the Practice Direction or the Criminal Costs Practice Direction] is for use in connection with proceedings in courts in Wales.

(2) Both a Welsh form and an English form may be contained in the same document.

(3) Where only a Welsh form, or only the corresponding English form, is served—

(a) the following words in Welsh and English must be added:

“Darperir y ddogfen hon yn Gymraeg / Saesneg os bydd arnoch ei heisiau. Dylech wneud cais yn ddi-oed i (swyddog y llys) (rhodder yma’r cyfeiriad)

This document will be provided in Welsh / English if you require it. You should apply immediately to (the court officer) (address)”; and

(b) the court officer, or the person who served the form, must, on request, supply the corresponding form in the other language to the person served.

**F4** Words in rule 5.2(1) substituted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(b)**

**Commencement Information**

**I2** Rule 5.2 in force at 5.10.2020, see Preamble

**Signature of forms**

**5.3.**—(1) This rule applies where a form provides for its signature.

(2) Unless other legislation otherwise requires, or the court otherwise directs, signature may be by any written or electronic authentication of the form by, or with the authority of, the signatory.

*[Note. Section 7 of the Electronic Communications Act 2000(1) provides for the use of an electronic signature in an electronic communication.]*

**Commencement Information**

**I3** Rule 5.3 in force at 5.10.2020, see Preamble

*COURT RECORDS*

**Duty to make records**

**5.4.**—(1) For each case, as appropriate, the court officer must record, by such means as the Lord Chancellor directs—

- (a) each charge or indictment against the defendant;
- (b) the defendant’s plea to each charge or count;
- (c) each acquittal, conviction, sentence, determination, direction or order;
- (d) each decision about bail;
- (e) the power exercised where the court commits or adjourns the case to another court—
  - (i) for sentence, or
  - (ii) for the defendant to be dealt with for breach of a community order, a deferred sentence, a conditional discharge, or a suspended sentence of imprisonment, imposed by that other court;
- (f) the court’s reasons for a decision, where legislation requires those reasons to be recorded;
- (g) any appeal;
- (h) each party’s presence or absence at each hearing;
- (i) any consent that legislation requires before the court can proceed with the case, or proceed to a decision;
- (j) in a magistrates’ court—
  - (i) any indication of sentence given [<sup>F5</sup>by the court,]
  - (ii) the registration of a fixed penalty notice for enforcement as a fine, and any related endorsement on a driving record;
  - [<sup>F6</sup>(iii) the power exercised where the court sends the defendant to the Crown Court for trial for an offence, <sup>F7</sup>...
  - [ any statement made by the court under section 70(5) of the Proceeds of Crime Act <sup>F8</sup>(iv) 2002 (statement that if the court were not committing the defendant for consideration of a confiscation order then it would have committed the defendant to the Crown Court for sentence for an offence under section 14, 16 or 16A of the Sentencing Act 2020),
  - (v) any opinion given by the court under section 18(4) or 19(3) of the Sentencing Act 2020 (opinion that if the court were not committing the defendant for sentence under section 18 or 19 of the 2020 Act then it could, or would be required to, commit the defendant to the Crown Court for sentence for the offence under one of sections 14, 15, 16, 16A or 17 of that Act), and]
  - [ the exercise of a power to which paragraph (3) applies (judges exercising powers of <sup>F9</sup>(vi) District Judges (Magistrates’ Courts));]
- [<sup>F10</sup>(k) in the Crown Court—

- (i) any request for assistance or other communication about the case received from a juror,
- (ii) the date and time at which the court gives the jury directions about the law under rule 25.14(2) or (3)(a),
- (iii) the date and time at which the court gives the jury other assistance in writing under rule 25.14(5), and
- (iv) the date, time and subject matter of submissions and rulings that relate to such directions and assistance;]
- (l) the identity of—
  - (i) the prosecutor,
  - (ii) the defendant,
  - (iii) any other applicant to whom these Rules apply,
  - (iv) any interpreter or intermediary,
  - (v) the parties’ legal representatives, if any, and
  - (vi) the judge, magistrate or magistrates, justices’ legal adviser or other person who made each recorded decision;
- (m) where a defendant is entitled to attend a hearing, any agreement by the defendant to waive that right; and
- (n) where interpretation is required for a defendant, any agreement by that defendant to do without the written translation of a document.
- (2) Such records must include—
  - (a) each party’s and representative’s address, including any electronic address and telephone number available;
  - (b) the defendant’s date of birth, if available; and
  - (c) the date of each event and decision recorded.
- [<sup>F11</sup>(3) Where a judge acting under section 66 of the Courts Act 2003 (Judges having powers of District Judges (Magistrates’ Courts)) exercises the power of a magistrates’ court, the court officer then assisting that judge must—
  - (a) record, by such means as the Lord Chancellor directs, the magistrates’ court power exercised by that judge; and
  - (b) as soon as practicable arrange the transmission to the magistrates’ court of—
    - (i) that record, and
    - (ii) a record of the circumstances in which that power was exercised.]

*[Note. For the duty to keep court records, see sections 5 and 8 of the Public Records Act 1958(2).*

*Requirements to record the court’s reasons for its decision are contained in: section 5 of the Bail Act 1976(3); section 47(1) of the Road Traffic Offenders Act 1988(4); sections 20, 33A and 33BB*

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- (2) 1958 c. 51; section 5 was amended by sections 67 and 86 of, and paragraph 2 of Schedule 5 to, the Freedom of Information Act 2000 (c. 36); and section 8 was amended by sections 27 and 35 of, and Schedule 2 to, the Administration of Justice Act 1969 (c. 58), section 1 of, and paragraph 19 of Schedule 2 to, the Administration of Justice Act 1970 (c. 31), section 56 of, and Schedule 11 to, the Courts Act 1971 (c. 23), section 152 of, and Schedule 7 to, the Senior Courts Act 1981 (c. 54) and sections 56 and 59 of, and Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).
  - (3) 1976 c. 63; section 5 was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45), section 60 of the Criminal Justice Act 1982 (c. 48), paragraph 1 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 53 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 129(1) of the Criminal Justice and Police Act 2001 (c. 16), paragraph 182 of Schedule 8 to the Courts Act 2003 (c. 39), paragraph 48

of the Youth Justice and Criminal Evidence Act 1999(5); section 174 of the Criminal Justice Act 2003(6); and rule 6.8.

The prosecution of some offences requires the consent of a specified authority. Requirements for the defendant's consent to proceedings in his or her absence are contained in sections 23 and 128 of the Magistrates' Courts Act 1980(7).

In the circumstances for which it provides, section 20 of the Magistrates' Courts Act 1980(8) allows the court to give an indication of whether a custodial or non-custodial sentence is more likely in the event of a guilty plea at trial in that court [<sup>F12</sup>: see also rule 9.11(3)]. Rules 3.16 and 9.13 provide for sentencing indications in other circumstances in magistrates' courts.]

Requirements to register fixed penalty notices and to record any related endorsement of a driving record are contained in sections 57, 57A and 71 of the Road Traffic Offenders Act 1988(9).

[<sup>F13</sup>Under section 66 of the Courts Act 2003, every holder of a judicial office listed in that section has the powers of a justice of the peace who is a District Judge (Magistrates' Courts) in relation to criminal causes and matters. The list includes Circuit judges and judges of the High Court and Court of Appeal.]

For agreement to do without a written translation in a case in which the defendant requires interpretation, see rule 3.8(5).]

- F5** Words in rule 5.4(1)(j)(i) substituted (4.10.2021) by [The Criminal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/849\)](#), rules 1, **5(a)(i)**
- F6** Rule 5.4(1)(j)(iii)(iv) inserted (4.10.2021) by [The Criminal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/849\)](#), rules 1, **5(a)(ii)**
- F7** Word in rule 5.4(1)(j)(iii) deleted (4.4.2022) by [The Criminal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/45\)](#), rules 1, **4(b)**
- F8** Rule 5.4(1)(j)(iv)(v) inserted (4.4.2022) by [The Criminal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/45\)](#), rules 1, **4(c)**
- F9** Rule 5.4(1)(j)(iv) renumbered as rule 5.4(1)(j)(vi) (4.4.2022) by [The Criminal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/45\)](#), rules 1, **4(a)**

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of Schedule 3, paragraphs 1 and 2 of Schedule 36, and Parts 2, 4 and 12 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) and section 208 of, and paragraphs 33 and 35 of Schedule 21 to, the Legal Services Act 2007 (c. 27).

- (4) 1988 c. 53.
- (5) 1999 c. 23; section 20(6) was amended by paragraph 384(a) of Schedule 8 to the Courts Act 2003 (c. 39); section 33A was inserted by section 47 of the Police and Justice Act 2006 (c. 48). Section 33BB is inserted by section 104(1) of the Coroners and Justice Act 2009, with effect from a date to be appointed.
- (6) 2003 c. 44; section 174 was substituted by section 64 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).
- (7) 1980 c. 43; section 23 was amended by section 125 of, and paragraph 25 of Schedule 18 to, the Courts and Legal Services Act 1990 (c. 41) and paragraphs 1 and 8 of Schedule 3 to the Criminal Justice Act 2003 (c. 44). Section 128 was amended by section 59 of, and paragraphs 2, 3 and 4 of Schedule 9 to, the Criminal Justice Act 1982 (c. 48), section 48 of the Police and Criminal Evidence Act 1984 (c. 60), section 170(1) of, and paragraphs 65 and 69 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33), section 125(3) of, and paragraph 25 of Schedule 18 to, the Courts and Legal Services Act 1990 (c. 41), sections 49, 52 and 80 of, and Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25), paragraph 75 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and paragraph 51 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44). It is modified by section 91(5) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).
- (8) 1980 c. 43; section 20 was amended by section 100 of, and paragraph 25 of Schedule 11 to, the Criminal Justice Act 1991 (c. 53), paragraph 63 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and paragraphs 1 and 6 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).
- (9) 1988 c. 53; section 57(3) and (4) was amended by regulation 2(2) and (3) of, and paragraph 17 of Schedule 2 to, S.I. 1990/144 and section 5 of, and paragraphs 1 and 5 of Schedule 1 to, the Road Safety Act 2006 (c. 49); section 57A was added by section 9 of the Road Safety Act 2006 (c. 49) and amended by section 10 of that Act; and section 71 was amended by section 63 of, and paragraph 25(1) of Schedule 3 to, the Vehicle Excise and Registration Act 1994 (c. 22), sections 90(1) and 106 of, and paragraphs 140 and 150(1) and (2) of Schedule 13, and table 7 of Schedule 15 to, the Access to Justice Act 1999 (c. 22), section 109(1) of, and paragraph 317(1) and (2) of Schedule 8 to, the Courts Act 2003 (c. 39) and section 9(6) of, and paragraphs 2 and 22 of Schedule 2 to, the Road Safety Act 2006 (c. 49).

- F10** Rule 5.4(1)(k) substituted (3.10.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2, **7(a)**
- F11** Rule 5.4(3) inserted (4.10.2021) by [The Criminal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/849\)](#), rules 1, **5(a)(iii)**
- F12** Words in rule 5.4 Note inserted (4.10.2021) by [The Criminal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/849\)](#), rules 1, **5(a)(iv)**
- F13** Words in rule 5.4 Note inserted (4.10.2021) by [The Criminal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/849\)](#), rules 1, **5(a)(v)**

#### **Commencement Information**

- I4** Rule 5.4 in force at 5.10.2020, see Preamble

### **Recording and transcription of proceedings in the Crown Court**

**5.5.**—(1) Where someone may appeal to the Court of Appeal, [<sup>F14</sup>paragraphs (2) to (4) apply and] the court officer must—

- (a) arrange for the recording of the proceedings in the Crown Court, unless the court otherwise directs; and
- (b) arrange for the transcription of such a recording if—
  - (i) the Registrar wants such a transcript, or
  - (ii) anyone else wants such a transcript (but that is subject to the restrictions in paragraph (2)).

(2) Unless the court otherwise directs, a person who transcribes a recording of proceedings under such arrangements—

- (a) may only supply a transcript of a recording of a hearing in private to—
  - (i) the Registrar, or
  - (ii) an individual who was present at that hearing;
- (b) if the recording of a hearing in public contains information to which reporting restrictions apply, may only supply a transcript containing that information to—
  - (i) the Registrar, or
  - (ii) a recipient to whom that supply will not contravene those reporting restrictions; but
- (c) subject to paragraph (2)(a) and (b), must supply any person with any transcript for which that person asks—
  - (i) in accordance with the transcription arrangements made by the court officer, and
  - (ii) on payment by that person of any fee prescribed.

(3) A party who wants to hear a recording of proceedings must—

- (a) apply—
  - (i) in writing to the Registrar, if an appeal notice has been served where Part 36 applies (Appeal to the Court of Appeal: general rules), or
  - (ii) orally or in writing to the Crown Court officer;
- (b) explain the reasons for the request; and
- (c) pay any fee prescribed.

(4) If the Crown Court or the Registrar so directs, the Crown Court officer must allow that party to hear a recording of—

- (a) a hearing in public; and

(b) a hearing in private, if the applicant was present at that hearing.

<sup>F15</sup>(5) Where the court exercises at a hearing a power to which Part 47 applies (Investigation orders and warrants)—

(a) the court officer must arrange for the recording of that hearing unless the court otherwise directs; and

(b) paragraphs (6) to (9) apply.

(6) A party or person affected by the exercise of that power who wants to hear such a recording or who wants a transcript of such a recording must—

(a) apply in writing to the court officer;

(b) explain the reasons for the request; and

(c) pay any fee prescribed.

(7) On an application under paragraph (6) to hear a recording the court officer may allow the applicant to do so—

(a) where the hearing was in public;

(b) where the hearing was in private only if the applicant was present at that hearing; and

(c) subject to any direction by the court.

(8) On an application under paragraph (6) for a transcript of a recording the court officer may arrange for transcription—

(a) where the hearing was in public;

(b) where the hearing was in private only if the applicant was present at that hearing; and

(c) subject to any direction by the court.

(9) A person who transcribes such a recording—

(a) must supply a transcript of a hearing in public to any applicant under paragraph (6), subject to paragraph (9)(b);

(b) if the recording of a hearing in public contains information to which reporting restrictions apply, may only supply a transcript containing that information to a recipient to whom that supply will not contravene those restrictions;

(c) may only supply a transcript of a hearing in private to a recipient who was present at that hearing; and

(d) must supply any such transcript—

(i) in accordance with the transcription arrangements made by the court officer, and

(ii) on payment of any fee prescribed.]

<sup>F16</sup>[*Note. Under section 32 of the Criminal Appeal Act 1968 Criminal Procedure Rules may provide for the making of a record of any proceedings in respect of which an appeal lies to the Court of Appeal and for the making and supply of a transcript of such a record.*]

*For the circumstances in which reporting restrictions may apply, see the provisions listed in the note to rule 6.1. In summary, reporting restrictions prohibit the publication of the information to which they apply where that publication is likely to lead members of the public to acquire the information concerned.]*

**F14** Words in [rule 5.5\(1\)](#) inserted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), [rules 1, 5\(c\)\(i\)](#)

**F15** [Rule 5.5\(5\)-\(9\)](#) inserted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), [rules 1, 5\(c\)\(ii\)](#)

**F16** Words in rule 5.5 Note substituted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(c)(iii)**

#### **Commencement Information**

**I5** Rule 5.5 in force at 5.10.2020, see Preamble

### **Custody of case materials**

- 5.6.** Unless the court otherwise directs, in respect of each case the court officer [<sup>F17</sup>must]—
- [<sup>F18</sup>(a) keep—
- (i) any evidence, application, representation or other material served by the parties, and
  - (ii) any evidence or other material prepared for the court; or]
- (b) arrange for the whole or any part to be kept by some other appropriate person, subject to—
- (i) any condition imposed by the court, and
  - (ii) the rules in Part 34 (Appeal to the Crown Court) and Part 36 (Appeal to the Court of Appeal: general rules) about keeping exhibits pending any appeal.

**F17** Word in rule 5.6 substituted (3.10.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2, **7(b)(i)**

**F18** Rule 5.6(a) substituted (3.10.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), rules 2, **7(b)(ii)**

#### **Commencement Information**

**I6** Rule 5.6 in force at 5.10.2020, see Preamble

### *[<sup>F19</sup>ACCESS TO INFORMATION IN COURT RECORDS*

**F19** Rules 5.7-5.11 and cross-heading substituted for rules 5.7, 5.8 (4.10.2021) by [The Criminal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/849\)](#), rules 1, **5(c)**

### **The open justice principle**

**5.7.—**(1) Where rules 5.8, 5.9, 5.10 and 5.11 apply, as well as furthering the overriding objective in accordance with rules 1.2 and 1.3 the court officer and the court must have regard to the importance of—

- (a) dealing with criminal cases in public;
  - (b) allowing a public hearing to be reported to the public; and
  - (c) the rights of a person affected by a direction or order made, or warrant issued, by the court to understand why that decision was made.
- (2) In rules 5.10 and 5.11 this requirement is called ‘the open justice principle’.

### **Request for information about a case**

**5.8.—**[<sup>F20</sup>(1) This rule—



- (a) applies where anyone, including a member of the public or a reporter, requests information about a case including information contained in materials kept by the court officer for the purposes of the case; but
  - (b) does not apply if rule 5.12 applies [<sup>F21</sup>(Request for certificate, extract or information under other legislation)].]
- (2) A person requesting information must—
- (a) ask the court officer;
  - (b) specify the information requested; and
  - (c) pay any fee prescribed.
- (3) The request—
- (a) may be made orally or in writing, and need not explain why the information is requested, if this rule requires the court officer to supply that information; but
  - (b) must be in writing, unless the court otherwise permits, and must explain why the information is requested, if this rule does not so require.
- (4) Subject to paragraph (5), the court officer must supply to the person making the request—
- (a) the date of a hearing in public;
  - (b) each alleged offence and any plea entered;
  - (c) the court’s decision—
    - (i) at a hearing in public,
    - (ii) [<sup>F22</sup>to grant or withhold bail, or to impose or vary a bail condition], or
    - (iii) about the committal, sending or transfer of the case to another court;
  - (d) whether the case is under appeal;
  - (e) the outcome of the case;
  - (f) the identity of—
    - (i) the prosecutor,
    - (ii) the defendant, including the defendant’s date of birth,
    - (iii) the parties’ representatives, including their addresses, and
    - (iv) the judge, magistrate or magistrates, or justices’ legal adviser by whom a decision at a hearing in public was made;
  - (g) such other information about the case as is required by arrangements to which paragraph (6)(c) refers; <sup>F23</sup>...
  - (h) details of any reporting or access restriction ordered by the court [<sup>F24</sup>; and]
  - <sup>F25</sup>(i) notice that reporting restrictions may apply to the publication of information supplied under this rule.]
- (5) The court officer must not supply the information requested if—
- (a) the supply of that information is prohibited by a reporting restriction;
  - (b) that information is—
    - (i) the date of a hearing in public of which a party has yet to be notified, or
    - (ii) a recording arranged under rule 5.5 (Recording and transcription of proceedings in the Crown Court), or a copy or transcript of such a recording;
  - (c) that information concerns a trial in which the verdict was more than 6 months ago; or

- (d) that information is not readily available to the court officer (for example, because of the location or conditions of its storage).
- (6) Where the court officer must supply the information requested the supply may be—
  - (a) by word of mouth;
  - (b) in writing, including by written certificate or extract from a court record; or
  - (c) by such other arrangements as the Lord Chancellor directs, including supply by electronic means.
- (7) Where this rule does not require the court officer to supply the information requested then unless that information can be supplied under rule 5.9—
  - (a) the court officer must refer the request to the court; and
  - (b) rule 5.10 applies.

*[Note. See also rule 5.7 (The open justice principle).]*

- F20** Rule 5.8(1) substituted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **5(a)(i)**
- F21** Words in rule 5.8(1)(b) substituted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(d)**
- F22** Words in rule 5.8(4)(c)(ii) substituted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **5(a)(ii)**
- F23** Word in rule 5.8(4)(g) omitted (3.4.2023) by virtue of [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **5(a)(iii)**
- F24** Word in rule 5.8(4)(h) inserted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **5(a)(iv)**
- F25** Rule 5.8(4)(i) inserted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **5(a)(v)**

### **Request for information by a party or person directly affected by a case**

**5.9.**—(1) This rule applies where a party, or a person directly affected by a direction or order made or warrant issued by the court, wants information about their case [<sup>F26</sup>including information contained in materials kept by the court officer for the purposes of that case].

- (2) Such a party or person must—
  - (a) ask the court officer;
  - (b) specify the information requested; and
  - (c) pay any fee prescribed.
- (3) The request—
  - (a) may be made orally or in writing, and need not explain why the information is requested, if this rule requires the court officer to supply that information; but
  - (b) must be in writing, unless the court otherwise permits, and must explain why the information is requested, if this rule does not so require.
- (4) Subject to paragraph (5), the court officer must supply to the party or person making the request—
  - (a) information about the terms of any direction or order made, or warrant issued, which was—
    - (i) served on, or addressed or directed to, that party or person, or
    - (ii) made on an application by that party or person; and

- (b) information received from that party or person (which might be, for example, to establish what information the court holds, or in case of a loss of that information by the party or person making the request).
- (5) The court officer must not supply the information requested if that information—
  - (a) concerns the grounds on which a direction or order was made, or a warrant issued, in the absence of the party or person making the request;
  - (b) is a recording arranged under rule 5.5 (Recording and transcription of proceedings in the Crown Court), or a copy or transcript of such a recording; or
  - (c) is not readily available to the court officer (for example, because of the location or conditions of its storage).
- (6) Where the court officer must supply the information requested the supply may be, at the choice of the party or person making the request—
  - (a) by word of mouth;
  - (b) in writing, including by written certificate or extract from a court record; or
  - (c) by a copy of a document served by, or on, that party or person (but not of a document not so served).
- (7) Where this rule does not require the court officer to supply the information requested—
  - (a) the court officer must refer the request to the court; and
  - (b) rule 5.10 applies.

*[Note. See also rule 5.7 (The open justice principle).]*

**F26** Words in [rule 5.9](#) inserted (3.10.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\)](#), [rules 2, 7\(d\)](#)

### **Request for information determined by the court**

**5.10.**—(1) This rule applies where the court officer refers to the court a request for information under rule 5.8 (Request for information about a case) or rule 5.9 (Request for information by a party or person directly affected by a case).

- (2) The court officer must—
  - (a) serve the request on—
    - (i) the applicant for any direction, order or warrant that the request concerns which was made or issued in the absence of the party or person making the request, and
    - (ii) anyone else, and to such extent, as the court directs; and
  - (b) notify the party or person making the request of—
    - (i) the date of its service under this rule, and
    - (ii) the identity of each person served with it, if the court so directs.
- (3) If a party or person served with the request objects to the supply of information requested the objector must—
  - (a) give notice of the objection not more than 20 business days after service of the request, or within any longer period allowed by the court;
  - (b) serve that notice on the court officer and on the party or person making the request; and
  - (c) if the objector wants a hearing, explain why one is needed.
- (4) A notice of objection must explain—

- (a) whether the objection is to the supply of the whole of the information requested, or only to the supply of a specified part or specified parts;
  - (b) whether the objection applies without limit of time, or only for a specified period (for example, until a date or event specified by the objector); and
  - (c) the grounds of the objection.
- (5) Where a notice of objection includes material that the objector thinks ought not be revealed to the party or person making the request, the objector must—
- (a) omit that material from the notice served on that party or person;
  - (b) mark the material to show that it is only for the court; and
  - (c) with that material include an explanation of why it has been withheld.
- (6) The court must not determine the request, and information requested must not be supplied, until—
- (a) each party or person served with the request has had at least 20 business days, or any longer period allowed by the court, in which to object or make other representations; and
  - (b) the court is satisfied that in all the circumstances every such party or person has had a reasonable opportunity to do so.
- (7) The court may determine the request—
- (a) without a hearing; or
  - (b) at a hearing, which—
    - (i) may be in public or private, but
    - (ii) must be in private, unless the court otherwise directs, where the request concerns a direction, order or warrant made or issued in the absence of the party or person making the request.
- (8) Where a notice of objection includes material that the objector thinks ought not be revealed to the party or person making the request—
- (a) any hearing of the request may take place, wholly or in part, in the absence of the party or person making it; and
  - (b) at any such hearing the general rule is that the court must consider, in the following sequence—
    - (i) representations first by the party or person making the request and then by the objector, in the presence of both, and then
    - (ii) further representations by the objector, in the absence of the party or person making the requestbut the court may direct other arrangements for the hearing.
- (9) In deciding whether to order the supply of the information requested the court must have regard to—
- (a) the open justice principle;
  - (b) any reporting restriction;
  - (c) rights and obligations under other legislation;
  - (d) the importance of any public interest in the withholding of that information, or in its supply only in part or subject to conditions (which public interest might be, for example, in preventing injustice, protecting others' rights, protecting the confidentiality of a criminal investigation or protecting national security); and

- (e) the extent to which that information is otherwise available to the party or person making the request.
- (10) Where the court orders the supply of the information requested the supply may be, at the court's direction [<sup>F27</sup>and on such terms as the court directs]—
  - (a) by word of mouth;
  - (b) in writing, including by written certificate or extract from a court record; <sup>F28</sup> ...
  - (c) by a copy of a document. [<sup>F29</sup>or]
  - <sup>F30</sup>(d) by allowing access to a document, including a recording (other than a recording to which rule 5.5 applies (Recording and transcription of proceedings in the Crown Court)).]

[Note. See also rule 5.7 (The open justice principle).

The court's decision under this rule may be affected by—

- (a) a reporting restriction imposed by legislation or by the court (Part 6 lists the reporting restrictions that might apply);
- (b) Articles 6, 8 and 10 of the European Convention on Human Rights;
- (c) the Rehabilitation of Offenders Act 1974 (section 5 of the Act lists sentences and rehabilitation periods);
- (d) section 18 of the Criminal Procedure and Investigations Act 1996, which affects the supply of information about material, other than evidence, disclosed by the prosecutor;
- (e) Part 3 of the Data Protection Act 2018 (sections 43(3) and 117 of which make exceptions for criminal proceedings from some other provisions of that Act); and
- (f) sections 33, 34 and 35 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which affect the supply of information about applications for legal aid.]

**F27** Words in rule 5.10(10) inserted (3.10.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\), rules 2, 7\(e\)\(i\)](#)

**F28** Word in rule 5.10(10)(b) omitted (3.10.2022) by virtue of [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\), rules 2, 7\(e\)\(ii\)](#)

**F29** Word in rule 5.10(10)(c) inserted (3.10.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\), rules 2, 7\(e\)\(iii\)](#)

**F30** Rule 5.10(10)(d) inserted (3.10.2022) by [The Criminal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/815\), rules 2, 7\(e\)\(iv\)](#)

### [<sup>F31</sup>Publication of information about court hearings, etc.]

- 5.11.**—(1) Where a case is due to be heard in public, the court officer must—
- (a) publish the information listed in paragraph (2)—
    - (i) if that information is available to the court officer, and
    - (ii) unless the publication of that information is prohibited by a reporting restriction; and
  - (b) publish that information for no longer than 5 business days—
    - (i) by notice displayed somewhere prominent in the vicinity of a court room in which the hearing is due to take place, and
    - (ii) by such arrangements as the Lord Chancellor directs, including arrangements for publication by electronic means, but only to the extent needed to comply with the open justice principle.
- (2) The information that paragraph (1) requires the court officer to publish is—

- (a) the date, time and place of the hearing;
- (b) the identity of the defendant; <sup>F32</sup>...
- <sup>F33</sup>(c) by notice under paragraph (1)(b)(i), such other information as it may be practicable to publish concerning—
  - (i) the type of hearing,
  - (ii) the identity of the prosecutor,
  - (iii) the identity of the court, and
  - (iv) any reporting or access restriction that applies; and
- (d) by arrangements under paragraph (1)(b)(ii), such other information as it may be practicable to publish concerning—
  - (i) the details listed in paragraph (2)(c), and
  - (ii) the offence or offences alleged.]
- (3) <sup>F34</sup>Where 15 business days have expired after service on the defendant of a written charge and other documents] under rule 24.9 (Single justice procedure: special rules), the court officer must—
  - (a) publish the information listed in paragraph (4) if—
    - (i) the information is available to the court officer, and
    - (ii) the publication of the information is not prohibited by a reporting restriction; and
  - (b) publish that information for no longer than 5 business days by such arrangements as the Lord Chancellor directs, including arrangements for publication by electronic means, but only to the extent needed to comply with the open justice principle.
- (4) The information that paragraph (3) requires the court officer to publish is—
  - (a) the identity of the defendant;
  - (b) the identity of the prosecutor;
  - (c) the offence or offences alleged; and
- <sup>F35</sup>(d) such other information as it may be practicable to publish about any reporting restriction that applies.]
- <sup>F36</sup>(5) If it is not practicable to publish the information about reporting or access restrictions that this rule requires then the court officer must publish a notice or notices by such arrangements as the Lord Chancellor directs—
  - (a) warning that such restrictions may apply to a case information about which is published under this rule;
  - (b) explaining the general effect of such restrictions; and
  - (c) explaining how further information about such restrictions may be obtained, generally and in relation to an individual case.]

*[Note. See also rule 5.7 (The open justice principle).]*

- F31** Rule 5.11 heading substituted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(e)(i)**
- F32** Word in rule 5.11(2)(b) omitted (2.10.2023) by virtue of [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(e)(ii)**
- F33** Rule 5.11(2)(c)(d) substituted for rule 5.11(2)(c) (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(e)(iii)**
- F34** Words in rule 5.11(3) substituted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(e)(iv)**

- F35** Rule 5.11(4)(d) substituted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, 7(f)(ii)
- F36** Rule 5.11(5) inserted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, 7(f)(iii)

**[<sup>F37</sup>Request for certificate, extract or information under other legislation]**

**[<sup>F38</sup>5.12].**—(1) This rule applies where legislation [<sup>F39</sup>other than these Rules]—

- (a) allows a certificate of conviction or acquittal, or an extract from records kept by the court officer, to be introduced in evidence in criminal proceedings; or
- (b) [<sup>F40</sup>requires or permits][<sup>F41</sup>information about a case, including information contained in materials kept by the court officer for the purposes of the case,] to be supplied by the court officer to a specified person for a specified purpose.

(2) A person who wants such a certificate or extract [<sup>F42</sup>, or such information,] must—

- (a) apply in writing to the court officer;
- (b) specify the certificate [<sup>F43</sup>, extract or information] required;
- (c) explain under what legislation and for what purpose it is required; and
- (d) pay any fee prescribed.

(3) If the application satisfies the requirements of that legislation, the court officer must supply the certificate [<sup>F44</sup>, extract or information] requested—

- (a) to a party; and
- (b) unless the court otherwise directs, to any other applicant.

*[Note. Under sections 73 to 75 of the Police and Criminal Evidence Act 1984, a certificate of conviction or acquittal, and certain other details from records to which this Part applies, may be admitted in evidence in criminal proceedings.]*

*[<sup>F45</sup>Examples of legislation to which paragraph (1)(b) of this rule applies include (this is not a complete list)—*

- (a) *section 17 of the Criminal Appeal Act 1995, under which information may be required by the Criminal Cases Review Commission;*
- (b) *section 115 of the Crime and Disorder Act 1998, under which information may be supplied to specified authorities for the purposes of that Act; <sup>F46</sup>...*
- [<sup>F47</sup>(c)]** *section 14 of the Offender Management Act 2007, under which information may be supplied to specified persons for offender management purposes; and]*
- [<sup>F48</sup>(d)]** *article 7 of the Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021, under which information may be required to assist in a review of Scottish criminal records concerning a time at which the subject of those records was under 12 years old.]*

*Under section 92 of the Sexual Offences Act 2003, a certificate which records a conviction for an offence and a statement by the convicting court that that offence is listed in Schedule 3 to the Act is evidence of those facts for certain purposes of that Act.*

*A certificate of conviction or acquittal, and certain other information, required for other purposes, may be obtained from the Secretary of State under sections 112, 113A and 113B of the Police Act 1997.*

*This rule applies where certificates or extracts from court records are required for use in evidence or for some other purpose specified in legislation. Where this rule does not apply, information about a case may be obtained under rule 5.8.]*

- F37** Rule 5.12 heading substituted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(f)(i)**
- F38** Rule 5.9 renumbered as rule 5.12 (4.10.2021) by [The Criminal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/849\)](#), rules 1, **5(b)(ii)**
- F39** Words in rule 5.12(1) inserted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **5(b)(i)**
- F40** Words in rule 5.12(1)(b) substituted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(f)(ii)**
- F41** Words in rule 5.12(1)(b) substituted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **5(b)(ii)**
- F42** Words in rule 5.12(2) inserted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **5(b)(iii)**
- F43** Words in rule 5.12(2)(b) substituted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **5(b)(iv)**
- F44** Words in rule 5.12(3) substituted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **5(b)(iv)**
- F45** Words in rule 5.12 Note substituted (3.4.2023) by [The Criminal Procedure \(Amendment\) Rules 2023 \(S.I. 2023/44\)](#), rules 1, **5(b)(v)**
- F46** Word in rule 5.12 Note omitted (2.10.2023) by virtue of [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(g)(i)**
- F47** Words in rule 5.12 Note inserted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(g)(iii)**
- F48** Words in rule 5.12 Note renumbered (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), rules 1, **5(g)(ii)**



**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, PART 5.