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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 2**

**UNDERSTANDING AND APPLYING THE RULES  
AND POWERS OF AUTHORISED COURT OFFICERS**

*POWERS OF AUTHORISED COURT OFFICERS*

**Exercise of court's functions by authorised court officers: general rules**

**2.4.**—(1) This rule and rules 2.5, 2.6, 2.7, 2.8 and 2.9 provide for the exercise of relevant judicial functions within the meaning of section 67A of the Courts Act 2003(1)—

- (a) in a court in which these Rules apply; and
  - (b) by a person authorised for the purpose by the Lord Chief Justice under section 67B of that Act(2).
- (2) In this rule and in rules 2.5, 2.6, 2.7, 2.8 and 2.9—
- (a) ‘authorised court officer’ means any such person; and
  - (b) a reference to an authorised court officer who is legally qualified is a reference to one who has such qualifications as are for the time being prescribed by regulations made under section 28(3) of the Courts Act 2003.
- (3) No court officer may—
- (a) authorise a person’s committal to prison;
  - (b) authorise a person’s arrest (but that exclusion does not apply to the issue of a warrant of arrest, whether or not endorsed for bail, to secure that a person attends court proceedings relating to an offence of which the person has been accused or convicted in a case in which no objection is made by or on behalf of that person to the issue of the warrant);
  - (c) grant or withhold bail, except to the extent that rule 2.6 or rule 2.8 allows;
  - (d) adjudicate on guilt, or on the act or omission with which a defendant is charged, except to the extent of—
    - (i) acquitting a defendant against whom the prosecutor offers no evidence,
    - (ii) convicting a defendant who pleads guilty, or
    - (iii) giving a prosecutor permission to withdraw a case;
  - (e) determine the admissibility of evidence;

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(1) 2003 c. 39; section 67A is inserted by section 3 of, and paragraph 32 of the Schedule to, the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).

(2) 2003 c. 39; section 67B is inserted by section 3 of, and paragraph 32 of the Schedule to, the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).

- (f) set ground rules for the conduct of questioning where rule 3.8(6), (7) (directions for the appropriate treatment and questioning of a witness or the defendant) applies;
  - (g) make findings of fact for the purpose of sentence, defer or pass sentence, impose a penalty or commit a defendant to the Crown Court for sentence;
  - (h) make an order for a party or other person to pay costs, unless that party or person agrees;
  - (i) make any other order consequent upon acquittal, conviction or a finding that the accused did the act or made the omission charged, except to the extent that rule 2.8 allows;
  - (j) vary, discharge, remit, remove, revoke, review or suspend a sentence, penalty or other order consequent on acquittal or conviction, except to the extent that rule 2.8 allows;
  - (k) order the search, confiscation, restraint, detention or seizure of property except to the extent that rule 2.8 allows;
  - (l) determine an appeal or reference to an appeal court, or an application for permission to appeal or refer, except to the extent that rule 2.6 allows; or
  - (m) determine an allegation of contempt of court.
- (4) An authorised court officer may exercise a relevant judicial function for which rule 2.5, 2.6, 2.7, 2.8 or 2.9 provides—
- (a) only subject to the same conditions as apply to its exercise by the court or person whose function it is; and
  - (b) where a party affected by the exercise of that function is entitled to make representations before its exercise, only if each such party has had a reasonable opportunity to make such representations—
    - (i) in writing, or
    - (ii) at a hearing (whether or not that party in fact attends).
- (5) Unless the context makes it clear that something different is meant, provision in rule 2.5, 2.6, 2.7, 2.8 or 2.9 permitting the exercise of a relevant judicial function by an authorised court officer includes a power to decline to exercise that function.

*[Note. Under section 67A of the Courts Act 2003, ‘relevant judicial function’ means a function of a court to which the general duty of the Lord Chancellor under section 1 of that Act applies and a judicial function of a person holding an office that entitles the person to exercise functions of such a court, but does not include in a court in which Criminal Procedure Rules apply—*

- (a) *any function so far as its exercise involves authorising a person’s committal to prison; or*
- (b) *any function so far as its exercise involves authorising a person’s arrest, except the issue of a warrant of arrest (whether or not endorsed for bail) to secure that a person attends court proceedings relating to an offence of which the person has been accused or convicted in a case in which no objection is made by or on behalf of that person to the issue of the warrant.*

*Under section 67B of the 2003 Act, in a court in which Criminal Procedure Rules apply the Rules may provide for the exercise of relevant judicial functions by persons who are appointed under section 2(1) of that Act and who satisfy any requirements specified in the Rules as to qualifications or experience. Such a person may exercise such a function only if authorised to do so by the Lord Chief Justice.*

*Section 28 of the 2003 Act provides for persons authorised by the Lord Chief Justice to give advice to justices of the peace about matters of law. Such a person may be authorised for that purpose only if appointed under section 2(1) of that Act and possessed of such qualifications as may be prescribed by regulations made under section 28. See also rule 2.2 (Definitions).]*

