
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 23

RESTRICTION ON CROSS-EXAMINATION BY A DEFENDANT

APPLICATION TO PROHIBIT CROSS-EXAMINATION

Application to prohibit cross-examination

23.4.—(1) This rule applies where under section 36 of the Youth Justice and Criminal Evidence Act 1999 the prosecutor wants the court to prohibit the cross-examination of a witness by a defendant in person.

- (2) The prosecutor 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,
 - (ii) the defendant who is the subject of the application, and
 - (iii) any other defendant, unless the court otherwise directs.
- (3) The application must—
- (a) report any views that the witness has expressed about whether he or she is content to be cross-examined by the defendant in person;
 - (b) identify—
 - (i) the nature of the questions likely to be asked, having regard to the issues in the case,
 - (ii) any relevant behaviour of the defendant at any stage of the case, generally and in relation to the witness,
 - (iii) any relationship, of any nature, between the witness and the defendant,
 - (iv) any other defendant in the case who is subject to such a prohibition in respect of the witness, and
 - (v) any special measures direction made in respect of the witness, or for which an application has been made;
 - (c) explain why the quality of evidence given by the witness on cross-examination—
 - (i) is likely to be diminished if no such prohibition is imposed, and
 - (ii) would be likely to be improved if it were imposed; and
 - (d) explain why it would not be contrary to the interests of justice to impose the prohibition.

[Note. The Practice Direction sets out a form of application for use in connection with this rule.]