
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 5

FORMS AND COURT RECORDS

COURT RECORDS

Supply to the public, including reporters, of information about cases

5.8.—(1) This rule—

- (a) requires the supply and publication of information about cases with regard to the importance of—
 - (i) dealing with criminal cases in public, and
 - (ii) allowing a public hearing to be reported to the public;
 - (b) applies where a member of the public, including a reporter, wants information about a case from the court officer;
 - (c) requires the court officer to publish information about cases due to be considered by the court; but
 - (d) does not apply to—
 - (i) a recording arranged under rule 5.5 (Recording and transcription of proceedings in the Crown Court),
 - (ii) a copy of such a recording, or
 - (iii) a transcript of such a recording.
- (2) A person who wants information about a case from the court officer must—
- (a) apply to the court officer;
 - (b) specify the information requested; and
 - (c) pay any fee prescribed.
- (3) The application—
- (a) may be made orally, giving no reasons, if—
 - (i) paragraph (4) requires the court officer to supply the information requested, and
 - (ii) the information is to be supplied only by word of mouth; but
 - (b) must be in writing, unless the court otherwise permits, and must explain for what purpose the information is required, in any other case.
- (4) The court officer must supply to the applicant—
- (a) any information listed in paragraph (6), if—
 - (i) the information is available to the court officer,

- (ii) the supply of the information is not prohibited by a reporting restriction, and
 - (iii) the trial has not yet concluded, or the verdict was not more than 6 months ago; and
- (b) details of any reporting or access restriction ordered by the court.
- (5) The court officer must supply that information—
 - (a) by word of mouth; or
 - (b) in writing, including by—
 - (i) written certificate or extract, or
 - (ii) such arrangements as the Lord Chancellor directs.
- (6) The information that paragraph (4) requires the court officer to supply is—
 - (a) the date of any hearing in public, unless any party has yet to be notified of that date;
 - (b) each alleged offence and any plea entered;
 - (c) the court’s decision at any hearing in public, including any decision about—
 - (i) bail, or
 - (ii) 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,
 - (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; and
 - (g) such other information about the case as is required by arrangements made under paragraph (5)(b)(ii).
- (7) If the court so directs, the court officer must—
 - (a) supply to the applicant, by word of mouth or in writing (including by written certificate or extract), other information about the case; or
 - (b) allow the applicant to inspect or copy a document, or part of a document, containing information about the case.
- (8) The court may determine an application to which paragraph (7) applies—
 - (a) at a hearing, in public or in private; or
 - (b) without a hearing.
- (9) Where a case is due to be heard in public, the court officer must—
 - (a) publish the information listed in paragraph (10) 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—
 - (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 paragraph (1)(a).
- (10) The information that paragraph (9) requires the court officer to publish is—
 - (a) the date, time and place of the hearing;
 - (b) the identity of the defendant; and
 - (c) 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,
 - (iv) the offence or offences alleged, and
 - (v) whether any reporting restriction applies.
- (11) Where a case is ready to be tried without a hearing under rule 24.9 (Single justice procedure: special rules), the court officer must—
 - (a) publish the information listed in paragraph (12) 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—
 - (i) by such arrangements as the Lord Chancellor directs, including arrangements for publication by electronic means, but
 - (ii) only to the extent needed to comply with paragraph (1)(a).
- (12) The information that paragraph (11) 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
 - (d) whether any reporting restriction applies.

[Note. Rule 5.8(4) requires the court officer to supply on request the information to which that paragraph refers. On an application for other information about a case, rule 5.8(3)(b), (7) and (8) apply and the court's decision on such an application may be affected by—

- (a) *any 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, and the court's duty to have regard to the importance of—*
 - (i) *dealing with criminal cases in public, and*
 - (ii) *allowing a public hearing to be reported to the public;*
- (c) *the Rehabilitation of Offenders Act 1974(1) (section 5 of the Act(2) lists sentences and rehabilitation periods);*

(1) 1974 c. 53.

(2) 1974 c. 53; section 5 was amended by section 15 of, and paragraphs 77 and 78 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4) and by sections 126 and 139 of, and paragraph 2 of Schedule 21 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

- (d) *section 18 of the Criminal Procedure and Investigations Act 1996*⁽³⁾, which affects the supply of information about material, other than evidence, disclosed by the prosecutor;
- (e) *Part 3 of the Data Protection Act 2018*⁽⁴⁾ (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*⁽⁵⁾, which affect the supply of information about applications for legal aid.]

⁽³⁾ 1996 c. 25.
⁽⁴⁾ 2018 c. 12.
⁽⁵⁾ 2012 c. 10.