

---

STATUTORY INSTRUMENTS

---

**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 6**

**REPORTING, ETC. RESTRICTIONS**

*REPORTING AND ACCESS RESTRICTIONS*

**Trial in private**

- 6.6.**—(1) This rule applies where the court can order a trial in private.
- (2) A party who wants the court to do so must—
- (a) apply in writing not less than 5 business days before the trial is due to begin; and
  - (b) serve the application on—
    - (i) the court officer, and
    - (ii) each other party.
- (3) The applicant must explain—
- (a) the reasons for the application;
  - (b) how much of the trial the applicant proposes should be in private; and
  - (c) why no measures other than trial in private will suffice, such as—
    - (i) reporting restrictions,
    - (ii) an admission of facts,
    - (iii) the introduction of hearsay evidence,
    - (iv) a direction for a special measure under section 19 of the Youth Justice and Criminal Evidence Act 1999,
    - (v) a witness anonymity order under section 86 of the Coroners and Justice Act 2009, or
    - (vi) arrangements for the protection of a witness.
- (4) Where the application includes information that the applicant thinks ought not be revealed to another party, the applicant must—
- (a) omit that information from the part of the application that is served on that other party;
  - (b) mark the other part to show that, unless the court otherwise directs, it is only for the court; and
  - (c) in that other part, explain why the applicant has withheld that information from that other party.
- (5) The court officer must at once—
- (a) display notice of the application somewhere prominent in the vicinity of the courtroom; and

- (b) give notice of the application to reporters by such other arrangements as the Lord Chancellor directs.
- (6) The application must be determined at a hearing which—
  - (a) must be in private, unless the court otherwise directs;
  - (b) if the court so directs, may be, wholly or in part, in the absence of a party from whom information has been withheld; and
  - (c) in the Crown Court, must be after the defendant is arraigned but before the jury is sworn.
- (7) At the hearing of the application—
  - (a) the general rule is that the court must consider, in the following sequence—
    - (i) representations first by the applicant and then by each other party, in all the parties' presence, and then
    - (ii) further representations by the applicant, in the absence of a party from whom information has been withheld; but
  - (b) the court may direct other arrangements for the hearing.
- (8) The court must not hear a trial in private until—
  - (a) the business day after the day on which it orders such a trial, or
  - (b) the disposal of any appeal against, or review of, any such order, if later.