
STATUTORY INSTRUMENTS

2021 No. 40

The Criminal Procedure (Amendment) Rules 2021

Amendments to the Criminal Procedure Rules

10. In the amendments to rules in Part 18 which temporarily have effect under rule 2.1(4)(e) (When the Rules apply)—

- (a) omit the substitution of rule 18.1(f) effected by rule 2.1(4)(e)(ii);
- (b) omit the substitutions and insertion in rule 18.4 (Decisions and reasons) effected by rule 2.1(4)(e)(ii); and
- (c) subject to rule 2.1(6) (expiry of temporary amendments)—

- (i) for paragraph (3) of rule 18.5 (Decisions and reasons) as renumbered by rule 9(e) of these Rules substitute—

- “(3) The court must announce, at a hearing in public before the witness gives evidence or the defendant’s trial begins (as the case may be), the reasons for a decision—

- (a) to give, make, vary or discharge—

- (i) a special measures direction for a witness, or

- (ii) a direction to help a defendant to participate in that defendant’s trial;

- or

- (b) to refuse to do so.

- (4) Where the court can give, vary or rescind a live link direction the court must—

- (a) announce the reasons for a decision not to give such a direction; and

- (b) in the case of a live link direction for a sentencing hearing, announce the reasons for a decision to rescind that direction.

- (5) Where the court gives a direction for everyone taking part in a hearing to do so by live link the court must announce the reasons for a decision—

- (a) not to direct that the proceedings are to be broadcast, within the meaning of section 85A of the Courts Act 2003⁽¹⁾ (Enabling the public to see and hear proceedings); or

- (b) not to direct that a recording of the proceedings is to be made, within the meaning of that section of that Act.”,

- (ii) for the first paragraph of the note to rule 18.5, as thus renumbered, substitute—

- “[Note. See sections 20(5), 33A(8) and 33BB(4) of the Youth Justice and Criminal Evidence Act 1999⁽²⁾, sections 57B(6), 57E(8) and 57F(9) of the Crime and Disorder Act 1998 and section 51(8) of the Criminal Justice Act 2003.”, and

⁽¹⁾ 2003 c. 39; section 85A was temporarily inserted by section 55 of, and paragraph 1 of Schedule 25 to, the Coronavirus Act 2020 (c. 7).

⁽²⁾ 1999 c. 23; section 20 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 of the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(iii) after the second paragraph of the note to rule 18.5, as thus renumbered, insert—

“Under section 85A of the Courts Act 2003, if the court directs that proceedings are to be conducted wholly by live video or live audio link the court may direct (i) that the proceedings are to be broadcast for the purpose of enabling members of the public to see and hear, or to hear, those proceedings (as the case may be), and (ii) that a recording of the proceedings is to be made for the purpose of enabling the court to keep an audio-visual, or audio, record of the proceedings (as the case may be).”