

**2022 No. 815 (L. 9)**

**SENIOR COURTS OF ENGLAND AND WALES**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Criminal Procedure (Amendment No. 2) Rules 2022**

*Made* - - - - - *14th July 2022*

*Laid before Parliament* *18th July 2022*

*Coming into force in accordance with rule 2*

The Criminal Procedure Rule Committee makes the following Rules under section 69 of the Courts Act 2003(a) and section 2 of the Commissioners for Oaths Act 1889(b), after consulting in accordance with section 72(1)(a) of the 2003 Act.

**Citation and commencement**

1. These Rules amend the Criminal Procedure Rules 2020(c) and may be cited as the Criminal Procedure (Amendment No. 2) Rules 2022.

2. These Rules come into force on 3rd October 2022, save for the following which come into force on 15th August 2022—

- (a) rule 4(b), (c), (d) and (e);
- (b) rule 5(a), (b), (c), (d), (f) and (g);
- (c) rule 6;
- (d) rule 8(a)(i);
- (e) rule 9;
- (f) rule 11;
- (g) rule 12;
- (h) rule 14;
- (i) rule 15; and
- (j) rule 24(a) and (c).

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(a) 2003 c. 39; section 69 was amended by sections 15(1) and 146 of, and paragraphs 308 and 332 of Schedule 4 and Part 2 of Schedule 18 to, the Constitutional Reform Act 2005 (c. 4).

(b) 1889 c. 10; section 2 was amended by section 59 of, and paragraph 15 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(c) S.I. 2020/759; amended by S.I. 2021/40, 2021/849, 2022/45.

## Interpretation

3. In rules 4 to 25 beneath a reference to a Part or rule by number alone means the Part or rule so numbered in the Criminal Procedure Rules 2020.

## Amendments to the Criminal Procedure Rules

4. In Part 2 (Understanding and applying the rules, and powers of authorised court officers)—
- (a) for the heading to the Part substitute “Understanding and applying the rules; Powers of court officers”;
  - (b) in rule 2.1 (When the Rules apply)—
    - (i) omit paragraphs (4), (5) and (6), and
    - (ii) omit the second paragraph of the note to the rule;
  - (c) in rule 2.2 (Definitions)—
    - (i) in paragraph (1), for the definition of live link substitute—
      - “live link’ means a live audio link or a live video link and:
        - (i) ‘live audio link’ means a live telephone link or other arrangement by which a person taking part in a hearing can hear, and be heard by, everyone else who is taking part and who is not in the same place as that person,
        - (ii) ‘live video link’ means a live television link or other arrangement by which a person taking part in a hearing can see and hear, and be seen and heard by, everyone else who is taking part and who is not in the same place as that person;
      - ‘live link direction’ means a direction that requires or permits a person to take part through a live audio link or a live video link in the proceedings listed in section 51(3) of the Criminal Justice Act 2003(a);”, and
    - (ii) in paragraph (2), for “Definitions” substitute “Special definitions and definitions”;
  - (d) in rule 2.7 (Exercise of functions of the Crown Court), for paragraph (2)(b) substitute—
    - “(b) give a live link direction under section 51 of the Criminal Justice Act 2003 for the participation of a defendant in custody in a preliminary hearing, a sentencing hearing or an enforcement hearing; and”;
  - (e) in rule 2.8 (Exercise of functions of a magistrates’ court), for paragraph (4)(b) substitute—
    - “(b) giving, varying or revoking a live link direction under sections 51 and 52 of the Criminal Justice Act 2003(b) for the participation of a defendant in custody in a preliminary hearing, a sentencing hearing or an enforcement hearing;”; and
  - (f) after rule 2.10 (Court’s power to extend time under rule 2.6 or rule 2.7) insert—
    - “POWERS OF COURT OFFICERS TO TAKE STATUTORY DECLARATIONS

## Taking of statutory declarations by court officers

- 2.11.—(1) This rule applies to a statutory declaration required by—
- (a) rule 29.4 (Statutory declaration to avoid fine after fixed penalty notice); or
  - (b) rule 44.2 (Statutory declaration of ignorance of proceedings).
- (2) A court officer may take a statutory declaration to which this rule applies if that officer is—

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(a) 2003 c. 44; section 51 was substituted by section 200 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

(b) 2003 c. 44; section 52 was substituted by paragraph 1 of Schedule 20 to the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

- (a) a justices' legal adviser;
- (b) nominated for the purpose by a justices' legal adviser; or
- (c) authorised to exercise the function to which rule 2.8(2)(m) refers (extending time for the service of a statutory declaration).

*[Note. Section 2 of the Commissioners for Oaths Act 1889(a) allows rules that regulate the procedure of a court to authorise the taking of a statutory declaration by an officer of that court.]*"; and

(g) amend the table of contents correspondingly.

**5. In Part 3 (Case management)—**

- (a) in rule 3.1 (When this Part applies), after paragraph (3) insert—
  - “(4) Rules 3.35 to 3.39 apply where the court can give a live link direction.”;
- (b) in rule 3.2 (The duty of the court)—
  - (i) for paragraphs (4) and (5) substitute—
    - “(4) Where appropriate live links are available, making use of technology for the purposes of this rule includes giving a live link direction for a person’s participation—
      - (a) under a power to which rule 3.35 applies (Live link direction: exercise of court’s powers); and
      - (b) whether an application for such a direction is made or not.”; and
  - (ii) for the note to the rule substitute—

*“(Note. Under section 51 of the Criminal Justice Act 2003, the court may require or permit any person to take part through a live audio or video link in the pre-trial, trial, sentencing, enforcement and appeal proceedings listed in that section. Under section 52A of the Act(b), a person who takes part in accordance with a live link direction is to be treated as present in court.)”;*

- (c) in rule 3.3 (The duty of the parties), for paragraph (2)(e) substitute—
  - “(e) alerting the court to any reason why—
    - (i) a live link direction should not be given, or
    - (ii) such a direction should be varied or rescinded;”;
- (d) in rule 3.5 (The court’s case management powers), for paragraph (2)(d) substitute—
  - “(d) receive applications, notices, representations and information by letter, by live link, by email or by any other means of electronic communication, and conduct a hearing by live link or other such electronic means;”;
- (e) in rule 3.32 (Arraigning the defendant on the indictment)—
  - (i) for the heading to the rule substitute “Arraigning the defendant”,
  - (ii) for paragraph (1) substitute—
    - “(1) In order to take the defendant’s plea, the Crown Court must—
      - (a) if more than one indictment has been preferred or proposed, or more than one draft indictment has been presented where rule 10.3 applies—
        - (i) identify the indictment or indictments that the prosecutor wants to be read to or placed before the defendant under this rule, and
        - (ii) identify any draft indictment, indictment or count in an indictment on which the prosecutor does not want to proceed;

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(a) 1889 c. 10; section 2 was amended by section 59 of, and paragraph 15 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(b) 2003 c. 44; section 52A was inserted by paragraph 1 of Schedule 20 to the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

- (b) obtain the prosecutor’s confirmation, in writing or orally—
  - (i) that each indictment (or draft indictment, as the case may be) that the prosecutor wants to be read to or placed before the defendant sets out a statement of each offence that the prosecutor wants the court to try and such particulars of the conduct constituting the commission of each such offence as the prosecutor relies upon to make clear what is alleged, and
  - (ii) of the order in which the prosecutor wants the defendants’ names to be listed in each indictment, if the prosecutor proposes that more than one defendant should be tried at the same time;
- (c) ensure that the defendant is correctly identified by each indictment or draft indictment that the prosecutor wants to be read to or placed before the defendant;
- (d) satisfy itself that each allegation has been explained to the defendant, in terms the defendant can understand (with help, if necessary); and
- (e) in respect of each count on which the prosecutor wants to proceed—
  - (i) read the count aloud to the defendant, or arrange for it to be read aloud or placed before the defendant in writing,
  - (ii) ask whether the defendant pleads guilty or not guilty to the offence charged by that count, and
  - (iii) take the defendant’s plea.”,
- (iii) in paragraph (4), for “the indictment” substitute “an indictment read to or placed before the defendant”, and
- (iv) after paragraph (5) insert—
 

“(6) Unless the court otherwise directs, no further proceedings may be taken on a draft indictment, indictment or count in an indictment on which under this rule the prosecutor chooses not to proceed.”;
- (f) after rule 3.34 (Use of Welsh language at Crown Court trial) insert—

“LIVE LINKS

**Live link direction: exercise of court’s powers**

**3.35.**—(1) The court may exercise its power to give, vary or rescind a live link direction under sections 51 and 52 of the Criminal Justice Act 2003(a)—

- (a) at a hearing, in public or in private, or without a hearing; and
- (b) on an application under rule 3.36 (Content of application for a live link direction) or on its own initiative.

(2) Whether it acts on an application or on its own initiative, the court must not give, vary or rescind a live link direction unless—

- (a) the court is satisfied that it is in the interests of justice to do so; and
- (b) each party and (if applicable) any representative of the youth offending team whose functions are exercisable in relation to a defendant—
  - (i) is present, or
  - (ii) has had an opportunity to make representations.

(3) In deciding whether to give a live link direction the court must consider—

- (a) any guidance given by the Lord Chief Justice under section 51(5)(a) of the Criminal Justice Act 2003; and
- (b) all the circumstances of the case.

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(a) 2003 c. 44; section 51 was substituted by section 200 of, and section 52 was substituted by paragraph 1 of Schedule 20 to, the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

- (4) Those circumstances include in particular—
- (a) the availability of the proposed participant by live link;
  - (b) any potential need for that person to attend in person instead of by live link;
  - (c) any views which that person may have expressed;
  - (d) the suitability of the facilities at the place where that person would take part by live link if the direction were given;
  - (e) that person’s ability to take part effectively if the direction were given (and see paragraph (5));
  - (f) if the proposed direction is for a person to give evidence by live link—
    - (i) the importance of that person’s evidence to the case, and
    - (ii) any potential for the proposed direction to inhibit a party from effectively testing that evidence; and
  - (g) arrangements for members of the public to see and hear proceedings at which a person takes part by live link (and see paragraph (6)).
- (5) In assessing a person’s ability to take part effectively by live link, where that person is a defendant the court must have regard to, among other things—
- (a) whether that defendant will be represented at the hearing for which the live link is proposed; and
  - (b) what other assistance will be available to that defendant at that hearing (for example, an intermediary).
- (6) In assessing arrangements for members of the public to see and hear proceedings the court must have regard to, among other things, the terms of any direction under section 85A of the Courts Act 2003<sup>(a)</sup> (Remote observation and recording of proceedings by direction of the court).
- (7) Where the court refuses an application to give, vary or rescind a live link direction the court must announce in public its reasons for doing so.

*[Note. See sections 51, 52, 52A and 53 of the Criminal Justice Act 2003<sup>(b)</sup>.]*

### **Content of application for a live link direction**

**3.36.**—(1) An applicant for a live link direction under section 51 of the Criminal Justice Act 2003 must—

- (a) apply in writing as soon as reasonably practicable;
  - (b) serve the application on—
    - (i) the court officer, and
    - (ii) each other party; and
  - (c) ask for a hearing of the application, if the applicant wants one, and explain why it is needed.
- (2) The application must—
- (a) specify the hearing or hearings in respect of which the applicant wants the direction to apply;
  - (b) identify each person to whom the applicant wants the direction to apply and specify—
    - (i) each one whom the applicant wants to give evidence by live link, and

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<sup>(a)</sup> 2003 c. 44; section 85A was inserted by section 198 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

<sup>(b)</sup> 2003 c. 44; section 53 was amended by paragraph 1 of Schedule 20 to the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

- (ii) each one whom the applicant wants to take part by live link without giving evidence;
- (c) in respect of each such person, specify the type of live link proposed (either video or audio);
- (d) unless the court otherwise directs, identify the place where each such person will take part if the direction is given;
- (e) identify any material circumstances relating to—
  - (i) the availability of the proposed participant by live link,
  - (ii) any potential need for that participant to attend in person, not by live link,
  - (iii) any views which that participant may have expressed,
  - (iv) the suitability of the facilities at the place where that participant would take part by live link if the direction were given,
  - (v) any permission needed from a court or other authority in a place outside the United Kingdom from where, if the direction were given, the participant would take part by live link, and
  - (vi) that participant’s ability to take part effectively if the direction were given;
- (f) if the proposed direction is for a person to give evidence by live link, identify any material circumstances relating to—
  - (i) the importance of that person’s evidence to the case, and
  - (ii) any potential for the proposed direction to inhibit a party from effectively testing that evidence;
- (g) explain why it is in the interests of justice for each proposed participant by live link to take part by those means; and
- (h) if the applicant wants a witness to be accompanied by another person while giving evidence—
  - (i) name that other person, if possible, and
  - (ii) explain why it is appropriate for that witness to be accompanied, including the witness’ own views.

**Application to vary or rescind a live link direction**

- 3.37.**—(1) A party who wants the court to vary or rescind a live link direction 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, and
    - (ii) each other party.
- (2) The applicant must—
- (a) explain what material circumstances have changed since the direction was given;
  - (b) explain why it is in the interests of justice to vary or rescind the direction; and
  - (c) ask for a hearing, if the applicant wants one, and explain why it is needed.

*[Note. See section 52 of the Criminal Justice Act 2003.]*

**Application containing information withheld from another party**

- 3.38.**—(1) This rule applies where—
- (a) an applicant serves an application for a live link direction, or for its variation or rescission; and

- (b) the application includes information that the applicant thinks ought not be revealed to another party.
- (2) 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.
- (3) Any hearing of an application to which this rule applies—
  - (a) must be in private, unless the court otherwise directs; and
  - (b) if the court so directs, may be, wholly or in part, in the absence of a party from whom information has been withheld.
- (4) At any hearing of an application to which this rule applies—
  - (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.

**Representations in response**

**3.39.**—(1) This rule applies where a party wants to make representations about an application for a live link direction or for the variation or rescission of such a direction.

- (2) Such a party must—
  - (a) serve the representations on—
    - (i) the court officer, and
    - (ii) each other party;
  - (b) do so not more than 10 business days after service of the application; and
  - (c) ask for a hearing, if that party wants one, and explain why it is needed.
- (3) Representations must explain why it is not in the interests of justice for the direction to be given, varied or rescinded, as the case may be.”; and
- (g) amend the table of contents correspondingly.

**6. In Part 4 (Service of documents)—**

- (a) in rule 4.1 (When this Part applies)—
  - (i) for paragraph (1) substitute—
    - “(1) The rules in this Part apply to the service of—
      - (a) every document in a case to which these Rules apply; and
      - (b) any document which other legislation allows or requires to be served in accordance with these Rules.”, and
    - (ii) for the note to the rule substitute—

*“[Note. The following provisions allow or require the service of documents in accordance with Criminal Procedure Rules—*

- (a) *section 243 of the Road Traffic Act 1960***(a)** (*notice requiring identification of driver*);
  - (b) *section 29(A1) of the Misuse of Drugs Act 1971***(b)** (*notice or other document required by Act to be served*);
  - (c) *paragraph 8(3) of the Schedule to the Prices Act 1974***(c)** (*notice of intended prosecution*);
  - (d) *paragraph 10 of Schedule 4 to the Salmon and Freshwater Fisheries Act 1975***(d)** (*surrender of licence to court officer*);
  - (e) *section 5(1) of the Isle of Man Act 1979***(e)** (*summons or process requiring a person in the Isle of Man to attend a criminal court in England and Wales*);
  - (f) *section 82(5F) of the Magistrates’ Courts Act 1980***(f)** (*notice of hearing to consider issue of warrant of commitment*);
  - (g) *section 72 of the Public Passenger Vehicles Act 1981***(g)** (*notice requiring identification of driver*);
  - (h) *section 19(4A) of the Video Recordings Act 1984***(h)** (*copy of certificate of examination*);
  - (i) *section 83(4) of the Weights and Measures Act 1985***(i)** (*notice of intended prosecution for offence*);
  - (j) *sections 164(10) and 172(7) of the Road Traffic Act 1988***(j)** (*notice requiring verification of date of birth; notice requiring identification of driver*);
  - (k) *sections 1(1ZA), 12(1) and (3), 16(6), 25(7) and 85(A2) of the Road Traffic Offenders Act 1988***(k)** (*notice of intended prosecution; notice requiring identification of driver; analyst’s certificate; notice requiring attendance of analyst; notice requiring verification of date of birth; other specified documents*);
  - (l) *section 35(7) of the Transport and Works Act 1992***(l)** (*documentary evidence as to breath and other specimens*);
  - (m) *section 60(11) of, and paragraphs 4(5) and 5(3) of Schedule 5 to, the Powers of Criminal Courts (Sentencing) Act 2000***(m)** (*attendance centre order*); and
  - (n) *section 27(1) of the Criminal Justice and Police Act 2001***(n)** (*notice in connection with proposed closure of premises*).]”; and
- (b) in rule 4.7 (Documents that must be served by specified methods)—
- (i) omit paragraph (2), and

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- (a) 1960 c. 16; section 243 was amended by section 109 of, and paragraph 107 of Schedule 8 to, the Courts Act 2003 (c. 39) and paragraph 1 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (b) 1971 c. 38; section 29(A1) was inserted by paragraph 2 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (c) 1974 c. 24; paragraph 8(3) of the Schedule was amended by paragraph 3 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (d) 1975 c. 51; paragraph 10 of Schedule 4 was amended by section 233 of, and paragraphs 1 and 17 of Schedule 16 to, the Marine and Coastal Access Act 2009 (c. 23), section 90 of, and paragraph 86 of Schedule 13 to, the Access to Justice Act 1999 (c. 22) and paragraph 4 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (e) 1979 c. 58; section 5(1) was amended by paragraph 5 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (f) 1980 c. 43; section 82(5F) was inserted by section 61 of the Criminal Justice Act 1988 (c. 33) and amended by paragraph 6 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (g) 1981 c. 14; section 72 was amended by section 139 of, and Schedule 8 to, the Transport Act 1985 (c. 67) and paragraph 7 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (h) 1984 c. 39; section 19(4A) was inserted by paragraph 8 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (i) 1985 c. 72; section 83(4) was amended by paragraph 9 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (j) 1988 c. 52; sections 164(10) and 172(7) were amended by paragraph 10 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (k) 1988 c. 53; sections 1(1ZA) and 85(A2) were inserted, and sections 12(1) and (3), 16(6) and 25(7) were amended, by paragraph 11 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (l) 1992 c. 42; section 35(7) was amended by paragraph 12 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (m) 2000 c. 6; section 60(11) was amended by S.I. 2001/618 and S.I. 2005/866. Paragraph 5(3) of Schedule 5 was amended by S.I. 2005/866. Those two provisions and paragraph 4(5) of Schedule 5 all were amended by paragraph 13 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).
  - (n) 2001 c. 16; section 27(1) was amended by paragraph 14 of Schedule 1 to the Judicial Review and Courts Act 2022 (c. 35).



(ii) paragraph (1) becomes the text of the rule.

7. In Part 5 (Forms and court records)—

(a) in rule 5.4 (Duty to make records), for paragraph (1)(k) substitute—

“(k) in the Crown Court—

- (i) any request for assistance or other communication about the case received from a juror,
- (ii) the date and time at which the court gives the jury directions about the law under rule 25.14(2) or (3)(a),
- (iii) the date and time at which the court gives the jury other assistance in writing under rule 25.14(5), and
- (iv) the date, time and subject matter of submissions and rulings that relate to such directions and assistance;”;

(b) in rule 5.6 (Custody of case materials)—

(i) in the words before paragraph (a), for “may” substitute “must”, and

(ii) for paragraph (a) substitute—

“(a) keep—

- (i) any evidence, application, representation or other material served by the parties, and
- (ii) any evidence or other material prepared for the court; or”;

(c) in rule 5.8 (Request for information about a case), in paragraph (1) after “information about a case” insert “including information contained in materials kept by the court officer for the purposes of the case”;

(d) in rule 5.9 (Request for information by a party or person directly affected by a case), after “information about their case” insert “including information contained in materials kept by the court officer for the purposes of that case”;

(e) in rule 5.10 (Request for information determined by the court), in paragraph (10)—

(i) in the words before sub-paragraph (a) after “at the court’s direction” insert “and on such terms as the court directs”,

(ii) at the end of sub-paragraph (b) omit “or”,

(iii) at the end of sub-paragraph (c) insert “or”, and

(iv) after sub-paragraph (c) insert—

“(d) by allowing access to a document, including a recording (other than a recording to which rule 5.5 applies (Recording and transcription of proceedings in the Crown Court)).”; and

(f) in rule 5.11 (Publication of information about court hearings)—

(i) for paragraph (2)(c)(v) substitute—

“(v) any reporting or access restriction that applies.”,

(ii) for paragraph (4)(d) substitute—

“(d) such other information as it may be practicable to publish about any reporting restriction that applies.”, and

(iii) after paragraph (4) insert—

“(5) If it is not practicable to publish the information about reporting or access restrictions that this rule requires then the court officer must publish a notice or notices by such arrangements as the Lord Chancellor directs—

(a) warning that such restrictions may apply to a case information about which is published under this rule;

(b) explaining the general effect of such restrictions; and

- (c) explaining how further information about such restrictions may be obtained, generally and in relation to an individual case.”

**8. In Part 7 (Starting a prosecution in a magistrates’ court)—**

- (a) in rule 7.2 (Application for summons, etc.)—
  - (i) in paragraph (13) omit “or telephone”, and
  - (ii) after paragraph (13) insert—

“(14) The court may decline to issue a summons or warrant if, for example—

    - (a) a court has previously determined an application by the same prosecutor which alleged the same or substantially the same offence against the same defendant on the same or substantially the same asserted facts;
    - (b) the prosecutor fails to disclose all the information that is material to what the court must decide;
    - (c) the prosecutor has—
      - (i) reached a binding agreement with the defendant not to prosecute, or
      - (ii) made representations that no prosecution would be brought, on which the defendant has acted to the defendant’s detriment;
    - (d) the prosecutor asserts facts incapable of proof in a criminal court as a matter of law;
    - (e) the prosecution would constitute an assertion that the decision of another court or authority was wrong where that decision has been, or could have been, or could be, questioned in other proceedings or by other lawful means; or
    - (f) the prosecutor’s dominant motive would render the prosecution an abuse of the process of the court.”; and
- (b) in rule 7.4 (Summons, warrant and requisition), in paragraph (2)(c)—
  - (i) at the end of sub-paragraph (i) omit “and”, and
  - (ii) after sub-paragraph (ii) insert—

“(iii) the prosecutor, unless the prosecutor is a public authority; and”.

**9. In Part 9 (Allocation and sending for trial)—**

- (a) in rule 9.1 (When this Part applies)—
  - (i) for paragraph (1) substitute—

“(1) This Part applies to—

    - (a) the allocation and sending of cases to the Crown Court for trial under—
      - (i) sections 17A to 26 of the Magistrates’ Courts Act 1980(a), and
      - (ii) sections 50A to 52 of the Crime and Disorder Act 1998(b); and

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(a) 1980 c. 43; sections 17A to 17C were inserted by section 49 of the Criminal Procedure and Investigations Act 1996 (c. 25). Sections 17A, 17D, 17E, 18 to 21 and 23 to 26 were amended or inserted by Schedule 3 to the Criminal Justice Act 2003 (c. 44). Sections 17A, 17D, 20, 20A, 24 and 24A were further amended by paragraphs 44, 45, 46, 47, 48 and 49 respectively of Schedule 24 to the Sentencing Act 2020 (c. 17). Section 19 was further amended by section 378 of, and paragraph 88 of Schedule 16 to, the Armed Forces Act 2006 (c. 52), sections 144, 177 and 178 of, and paragraph 4 of Schedule 17, paragraph 80 of Schedule 21 and Schedule 23 to, the Coroners and Justice Act 2009 (c. 25) and S.I. 2019/780. Section 22 was amended by sections 38 and 170 of, and Schedule 16 to, the Criminal Justice Act 1988 (c. 33), section 68 of, and paragraph 6 of Schedule 8 to, the Criminal Justice Act 1991 (c. 53), section 2 of the Aggravated Vehicle-Taking Act 1992 (c. 11) and sections 46 and 168 of, and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c. 33). Section 22A was inserted by section 176 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and amended by section 52 of the Criminal Justice and Courts Act 2015 (c. 2).

(b) 1998 c. 37; sections 50A to 52 were inserted or amended by Schedule 3 to the Criminal Justice Act 2003 (c. 44). Section 51 was further amended by section 52 of the Criminal Justice and Courts Act 2015 (c. 2). Section 51A was further amended by sections 49 and 65 of, and paragraph 5 of Schedule 1 and Schedule 5 to, the Violent Crime Reduction Act 2006 (c. 38) and paragraph 156 of Schedule 24 to the Sentencing Act 2020 (c. 17). Section 51B was further amended by section 50 of, and paragraph 69 of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11), section 39 of, and paragraphs 46 and 48 of Schedule 5 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and S.I.

- (b) the sending back or referring of cases to a magistrates' court for trial under—
  - (i) section 46ZA of the Senior Courts Act 1981(a), and
  - (ii) paragraph 6 of Schedule 3 to the Crime and Disorder Act 1998(b).”,
- (ii) after paragraph (4) insert—
 

“(5) Rule 9.16 applies in the Crown Court where the court can send back or refer a defendant to a magistrates' court for trial.”,
- (iii) in the second paragraph of the note to the rule, for “The court’s powers” substitute “A magistrates' court’s powers”, and
- (iv) at the end of the note to the rule insert—
 

*“The circumstances in which the Crown Court can send back or refer a case for magistrates' court trial are summarised in the note to rule 9.16.”;*
- (b) in rule 9.2 (Exercise of magistrates' court’s powers), for paragraph (1) substitute—
 

“(1) This rule applies to the exercise of a magistrates' court’s powers to which this Part applies.”;
- (c) after rule 9.15 (Committal for sentence for offence related to an offence sent for trial) insert—

“SENDING BACK, ETC. FOR MAGISTRATES' COURT TRIAL

**Sending back or referring case for magistrates' court trial**

**9.16.**—(1) This rule applies where a magistrates' court sends the defendant to the Crown Court for trial and—

- (a) under section 46ZA of the Senior Courts Act 1981, the Crown Court can send the defendant back to a magistrates' court for trial for a summary offence or for an offence triable either way; or
  - (b) under paragraph 6 of Schedule 3 to the Crime and Disorder Act 1998, where a summary offence remains outstanding the Crown Court must so inform the magistrates' court.
- (2) Where paragraph (1)(a) applies—
- (a) the Crown Court may exercise its power to send back—
    - (i) at a hearing, in public or in private, or without a hearing,
    - (ii) in the defendant’s absence, but only if the defendant consents to being absent on its exercise, and
    - (iii) in the prosecutor’s absence, but only if the prosecutor has had at least 5 business days in which to make representations; and
  - (b) if the defendant is under 18, the Crown Court must—
    - (i) consider sending the defendant back, and
    - (ii) explain why, if it does not do so.
- (3) Where paragraph (1)(a) applies and the Crown Court sends the defendant back—
- (a) the Crown Court must—
    - (i) specify the date on which the defendant must attend at or be taken to the magistrates' court, and

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2014/834. Section 51C was further amended by S.I. 2006/244. Section 52 was further amended by section 177 of, and paragraph 78 of Schedule 21 to, the Coroners and Justice Act 2009 (c. 25).

(a) 1981 c. 54; section 46ZA was inserted by section 11 of the Judicial Review and Courts Act 2022 (c. 35).  
 (b) 1998 c. 37; paragraph 6 of Schedule 3 was amended by sections 90 and 106 of, and paragraph 179 of Schedule 13 and Schedule 15 to, the Access to Justice Act 1999 (c. 22), sections 41 of, and paragraphs 15 and 20 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44), S.I. 2005/886 and paragraphs 20 and 23 of the Schedule to the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).

- (ii) decide whether to grant or withhold bail;
- (b) the Crown Court officer must make available to the magistrates' court officer a record of the Crown Court's order under paragraph (3)(a) and details of any—
  - (i) case management direction affecting the magistrates' court,
  - (ii) direction about reporting restrictions,
  - (iii) period for which the defendant was in custody during proceedings in the Crown Court,
  - (iv) decision about bail, for the purposes of section 5 of the Bail Act 1976(a),
  - (v) recognizance given by a surety,
  - (vi) representation order,
  - (vii) interpreter, intermediary, or supporting adult, and
  - (viii) information supplied by the parties for the purposes of case management by the court; and
- (c) the Crown Court officer must at the same time serve on each party notice of the sending back and of the Crown Court's order, unless that party was present when the order was made.
- (4) Where paragraph (1)(b) applies—
  - (a) the Crown Court must exercise its power at a hearing; and
  - (b) unless the defendant pleads guilty to the summary offence, the Crown Court officer must notify the magistrates' court officer of the outcome of the proceedings.

*[Note. An offence may be classified as triable only on indictment; triable only summarily (a summary offence); or triable either way (on indictment or summarily). Offences classified either as triable only on indictment or as triable either way collectively are described as indictable offences.*

*Under section 46ZA(2) of the Senior Courts Act 1981 the Crown Court cannot send the defendant back to a magistrates' court for trial—*

- (a) *where the defendant is 18 or over, or is a corporation, and the offence is triable only on indictment; or*
- (b) *where the defendant is under 18 and the offence is homicide or one of the other offences listed in section 51A(12) of the Crime and Disorder Act 1998.*

*Under section 46ZA(3) of the 1981 Act the Crown Court cannot send an adult or corporate defendant back to a magistrates' court for trial for an offence triable either way unless the defendant consents.*

*Under section 46ZA(5) of the 1981 Act, in deciding whether to send a defendant back the Crown Court must take into account (a) any other related offence before the Crown Court (whether the same, or a different, person is accused or has been convicted of the other offence), and (b) any allocation guideline.*

*Under section 46ZA(6) of the 1981 Act, on sending a defendant back the Crown Court may give such directions as appear to be necessary with respect to the custody of the defendant or for the defendant's release on bail until the defendant can appear or be brought before the magistrates' court.*

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(a) 1976 c. 63; section 5 was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45), section 60 of the Criminal Justice Act 1982 (c. 48), paragraph 1 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 53 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 129(1) of the Criminal Justice and Police Act 2001 (c. 16), paragraph 182 of Schedule 8 to the Courts Act 2003 (c. 39), paragraph 48 of Schedule 3, paragraphs 1 and 2 of Schedule 36, and Parts 2, 4 and 12 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) and section 208 of, and paragraphs 33 and 35 of Schedule 21 to, the Legal Services Act 2007 (c. 27).

*Under paragraph 6(7) of Schedule 3 to the Crime and Disorder Act 1998, the Crown Court must inform the magistrates' court of the outcome of the proceedings in the Crown Court where—*

- (a) the offences for which the defendant was sent for trial include a summary offence;*
- (b) that summary offence is not tried in the Crown Court under a power to do so;*
- (c) in the Crown Court the defendant is convicted of an indictable offence;*
- (d) the Crown Court considers that the summary offence is related to any indictable offence for which the defendant was sent for trial;*
- (e) under paragraph 6(4), the defendant does not plead guilty in the Crown Court to the summary offence; and*
- (f) under paragraph 6(6), the prosecutor does not wish to withdraw the prosecution for that offence.*

*Under paragraph 6(5) of Schedule 3 to the 1998 Act, the Crown Court then has no other powers, for example to send the defendant back to the magistrates' court on bail or in custody.*

*See also rule 28.10 (Committal or remission, etc. for sentence), which applies to the exercise of the Crown Court's powers under sections 25, 25A and 26 of the Sentencing Act 2020(a) to remit a convicted defendant to a magistrates' court for sentence.]"; and*

- (d) amend the table of contents correspondingly.

**10.** In Part 10 (The indictment), in rule 10.2 (The indictment: general rules)—

- (a) in paragraph (5)(b)(i), for “rule 3.32(1)(d)” substitute “rule 3.32(1)(e)”;
- (b) at the end of paragraph (5)(b)(ii) omit “or”;
- (c) at the end of paragraph (5)(b)(iii) insert “or”;
- (d) after paragraph (5)(b)(iii) insert—
  - “(iv) when the prosecutor serves on the Crown Court officer a draft indictment to which rule 25.16(3)(e) applies (substituted indictment for sentencing purposes).”;
- (e) for paragraph (6) substitute—
  - “(6) An indictment—
    - (a) must be in one of the forms set out in the Practice Direction unless—
      - (i) rule 10.3 applies, or
      - (ii) the Crown Court otherwise directs; and
    - (b) must include at the head of the document in which it is set out the date of that document and a statement that it contains, as appropriate—
      - (i) the first indictment in the case,
      - (ii) a proposed amended indictment,
      - (iii) a substituted indictment,
      - (iv) an additional indictment,
      - (v) a trial indictment, or
      - (vi) an indictment required by rule 25.16(3)(e) (substituted indictment for sentencing purposes).”

**11.** In Part 14 (Bail and custody time limits), in rule 14.18(5) (Exercise of court's powers: extension of pre-charge bail) omit “or telephone”.

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(a) 2020 c. 17; section 25 was amended and section 25A was inserted by section 11 of the Judicial Review and Courts Act 2022 (c. 35). Section 26 was amended by paragraph 14 of Schedule 2 to that 2022 Act.

**12.** In Part 18 (Measures to help a witness or defendant to give evidence or otherwise participate)—

- (a) in rule 18.1 (When this Part applies)—
  - (i) for paragraph (c) substitute—

“(c) where the court can give, vary or discharge a direction (a ‘defendant’s evidence direction’) for a defendant to give evidence through an intermediary, under sections 33BA and 33BB of the 1999 Act(a);”
  - (ii) omit paragraph (e), and
  - (iii) renumber paragraphs (f) and (g) as (e) and (f) respectively;
- (b) for rule 18.2 (Meaning of ‘witness’) substitute—

**“Meaning of ‘witness’ and ‘live link’**

**18.2.** In this Part—

- (a) ‘witness’ means anyone (other than a defendant) for whose benefit an application, direction or order is made; and
- (b) ‘live link’, in relation to a witness, means a live television link or other arrangement by which a witness who is absent from the courtroom or other place where the proceedings are being held is able to see and hear a person there and to be seen and heard by—
  - (i) the judge or justices (or both) and the jury (if there is one),
  - (ii) legal representatives acting in the proceedings, and
  - (iii) any interpreter or other person appointed (in pursuance of the direction or otherwise) to assist the witness.

*[Note. See section 24(8) of the Youth Justice and Criminal Evidence Act 1999(b).]”;*

- (c) in rule 18.3 (Meaning of ‘intermediary’ and ‘intermediary’s report’), in paragraph (b) for “rule 18.32” substitute “rule 18.28”;
- (d) in the note to rule 18.4 (Making an application for a direction or order)—
  - (i) for “rule 18.24 (Content of application for a live link direction) and rule 18.27” substitute “and rule 18.23”, and
  - (ii) for the second paragraph substitute—

*“The Practice Direction sets out a form for use in connection with an application under rule 18.10 for a special measures direction.”];*

- (e) in the note to rule 18.5 (Decisions and reasons) omit “, 33A(8)”;
- (f) in rule 18.15 (Content of application for a defendant’s evidence direction)—
  - (i) at the end of paragraph (a) insert “and”,
  - (ii) omit paragraph (b),
  - (iii) renumber paragraph (c) as (b), and
  - (iv) in the note to the rule for “sections 33A and” substitute “section”;
- (g) in rule 18.16 (Application to vary or discharge a defendant’s evidence direction)—
  - (i) omit paragraph (2)(a),
  - (ii) renumber paragraphs (2)(b), (c) and (d) as (2)(a), (b) and (c) respectively, and
  - (iii) in the note to the rule for “sections 33A(7) and” substitute “section”;

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(a) 1999 c. 23; sections 33BA and 33BB are inserted by section 104 of the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.

(b) 1999 c. 23.

- (h) omit the section heading “Live link directions”, the note immediately beneath that heading and rules 18.23 to 18.26;
- (i) renumber rules 18.27 to 18.32 as 18.23 to 18.28 respectively;
- (j) in rule 18.24 as thus renumbered (Application to vary or discharge the appointment of an intermediary for a defendant) for “rule 18.27(6)” substitute “rule 18.23(6)”;
- (k) in the “Summary of eligibility for measures to which this Part applies” at the end of the Part—
  - (i) in the note beneath the heading “Special measures direction”, in sub-paragraph (b) of the second paragraph after “sexual offence” insert “or other offence specified by the Act” and, in the third paragraph, before “in force” insert “fully”,
  - (ii) for the note beneath the heading “Defendant’s evidence direction” substitute—
 

“*When the Coroners and Justice Act 2009(a) comes into force, under section 33BA of the 1999 Act the court can allow a defendant to give evidence through an intermediary if—*

    - (a) *the defendant—*
      - (i) *is under 18, and the defendant’s ability to participate effectively as a witness giving oral evidence is compromised by his or her level of intellectual ability or social functioning; or*
      - (ii) *suffers from a mental disorder or some other significant impairment of intelligence and social functioning and cannot participate effectively as a witness giving oral evidence for that reason; and*
    - (b) *the examination of the defendant through an intermediary is necessary to ensure that the defendant receives a fair trial.”*, and
  - (iii) omit the heading “Live link direction” and the note beneath that heading; and
- (l) amend the table of contents correspondingly.

**13. In Part 25 (Trial and sentence in the Crown Court)—**

- (a) in rule 25.2 (General powers and requirements)—
  - (i) for paragraph (2) substitute—
 

“(2) Before proceeding to trial the court must—

    - (a) if more than one indictment has been preferred or proposed—
      - (i) identify the indictment or indictments on which the prosecutor wants the defendant to be tried, and
      - (ii) identify any indictment or count in an indictment on which the prosecutor does not want to proceed;
    - (b) obtain the prosecutor’s confirmation, in writing or orally, that each indictment on which the defendant is about to be tried sets out—
      - (i) a statement of each offence that the prosecutor wants the court to try, and
      - (ii) such particulars of the conduct constituting the commission of each such offence as the prosecutor relies upon to make clear what is alleged;
    - (c) ensure that the defendant is correctly identified by each indictment on which the defendant is about to be tried;
    - (d) satisfy itself that each allegation has been explained to the defendant, in terms the defendant can understand (with help, if necessary); and
    - (e) invite any objection to the terms or validity of any indictment on which the defendant is about to be tried.”, and
  - (ii) after paragraph (3) insert—

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(a) 2009 c. 25.

“(4) Subject to paragraph (5), unless the court otherwise directs no further proceedings may be taken on an indictment or count in an indictment on which under this rule the prosecutor chooses not to proceed.

(5) Paragraph (4) does not apply to any count in an indictment which becomes a count in the indictment required by rule 25.16(3)(e) (substituted indictment for sentencing purposes).”;

(b) in rule 25.10 (Defendant unfit to plead)—

(i) after paragraph (3) insert—

“(4) Paragraphs (5) and (6) of this rule apply where—

- (a) the jury decides that the defendant did the act or made the omission charged as an offence;
- (b) the court makes a hospital order and a restriction order;
- (c) while the restriction order remains in effect the Secretary of State receives medical advice that the defendant can properly be tried and decides to remit the defendant to the Crown Court for trial; and
- (d) the Secretary of State so notifies the court officer.

(5) The prosecutor must serve on the court officer the medical report or reports by reference to which the defendant has been assessed as properly to be tried.

(6) The court must give directions—

- (a) for the return of the defendant to the court, which initial directions may be given—
  - (i) without a hearing, or
  - (ii) at a hearing, which must take place in the defendant’s absence; and then
- (b) for the future conduct of the case, which further directions must be given—
  - (i) at a hearing, and
  - (ii) in the defendant’s presence.

(7) Directions under paragraph (6)(a)—

- (a) may include directions under rule 3.10 (Directions for commissioning medical reports, other than for sentencing purposes) for the commissioning of any further report required by the court;
- (b) may set a timetable providing for the date by which representations about the future conduct of the case must be served; and
- (c) must set a date for a hearing under paragraph (6)(b).

(8) At the hearing under paragraph (6)(b)—

- (a) rule 3.21 (Pre-trial hearings in the Crown Court: general rules) applies even if a plea and trial preparation hearing has been conducted in the case before; and
  - (b) among other things, the court must decide whether to grant or withhold bail.”, and
- (ii) at the end of the note to the rule insert—

*“Under section 5A of the 1964 Act(a), where a hospital order and a restriction order have effect, and after consultation with the responsible clinician, the Secretary of State may remit a defendant for trial if satisfied that the defendant can properly be tried.”;*

(c) in rule 25.16 (Procedure if the court convicts)—

(i) for paragraph (1) substitute—

“(1) This rule applies where the court convicts the defendant.”,

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(a) 1964 c. 84; section 5A was inserted by section 24 of the Domestic Violence, Crime and Victims Act 2004 (c. 28), amended by section 15 of the Mental Health Act 2007 (c. 12) and repealed for certain purposes by paragraph 114 of Schedule 2 to the Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9).



- (ii) at the end of paragraph (3)(c) omit “and”,
- (iii) at the end of paragraph (3)(d) insert “and”, and
- (iv) after paragraph (3)(d) insert—
  - “(e) if the court so directs, where no single indictment contains every count on which the defendant is to be sentenced provide a substituted indictment for sentencing purposes that contains every such count and indicates—
    - (i) the indictment from which each such count derives,
    - (ii) the defendant’s plea to each such count,
    - (iii) if a guilty plea, the date on which that plea was entered, and
    - (iv) otherwise, the date on which the defendant was convicted on that count.”;
- (d) in rule 25.17 (Provision of documents for the court)—
  - (i) at the end of each of paragraphs (3)(a) and (3)(b) omit “and”,
  - (ii) at the end of paragraph (3)(c) insert “and”, and
  - (iii) after paragraph (3)(c) insert—
    - “(d) any evidence or other material prepared for the court.”; and
- (e) in rule 25.18 (Duty of court officer and custodian)—
  - (i) for paragraph (1)(e)(iv) substitute—
    - “(iv) retaining a copy of any written directions given to the jury under rule 25.14(2) or (3)(a),”;
  - (ii) for paragraph (1)(e)(v) substitute—
    - “(v) retaining a copy of any written material given to assist the jury under rule 25.14(5), and”, and
  - (iii) in paragraph (1)(e)(vi), for “rule 25.14(5)” substitute “rule 25.14(6)”.

**14. In Part 26 (Jurors)—**

- (a) after rule 26.5 (Surrender of electronic communication devices by jurors) insert—

**“Interpretation for a deaf juror**

**26.6.—**(1) This rule applies where under section 9C of the Juries Act 1974(a) the court appoints one or more British Sign Language interpreters to enable a person who is deaf to act effectively as a juror.

(2) Each such interpreter must take an oath or affirmation in these terms, or in any corresponding terms that the interpreter declares to be binding on him or her—

“I swear by Almighty God [*or* I do solemnly, sincerely and truly declare and affirm] that I will faithfully interpret all such matters and things as shall be required of me according to the best of my skill and understanding. I will enable communication among the jurors so that all may discharge their duties and I will not interfere in, influence or disclose the deliberations of the jury.”; and

- (b) amend the table of contents correspondingly.

**15. In Part 28 (Sentencing procedures in special cases and on committal for sentence, etc.)—**

- (a) in rule 28.10 (Information to be supplied on committal for sentence, etc.)—
  - (i) for the heading to the rule substitute “Committal or remission, etc. for sentence”,
  - (ii) in paragraph (1), in the words before sub-paragraph (a) for “convicts the defendant and” substitute “(‘the transferring court’),”

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(a) 1974 c. 23; section 9C was inserted by section 196 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

- (iii) in paragraph (1)(a) for “or adjourns the case” substitute “, remits or transfers a case”,
- (iv) in paragraph (2), in the words before sub-paragraph (a) for “convicting” substitute “transferring”,
- (v) in paragraph (2)(a) for “arrange the transmission from the convicting to the other court of a record” substitute “make available to the other court a record”,
- (vi) for paragraph (2)(b) substitute—
  - “(b) where paragraph (1)(b) or (c) applies, make available to the other court the transferring court’s order; and”,
- (vii) in paragraph (2)(c) for “under 14, an appropriate adult” substitute “under 16, a parent or guardian”,
- (viii) in the first paragraph of the note to the rule, after sub-paragraph (e) insert—
  - “(f) *the Crown Court may remit the defendant to a magistrates’ court for sentence after committal for sentence to the Crown Court, or following a guilty plea in the Crown Court, see section 25A of the 2020 Act(a). Under section 25A(3) of the Act, in deciding whether to remit a defendant the Crown Court must take into account (a) any other related offence before the Crown Court (whether the same, or a different, person is accused or has been convicted of the other offence), and (b) any allocation guideline.*”, and
- (ix) at the end of the note to the rule insert—

“*See also rule 9.16 (Sending back or referring case for magistrates’ court trial), which applies to the exercise of the Crown Court’s powers under (a) section 46ZA of the Senior Courts Act 1981(b), and (b) paragraph 6 of Schedule 3 to the Crime and Disorder Act 1998(c).*”; and

- (b) amend the table of contents correspondingly.

**16.** In Part 29 (Road traffic penalties), in rule 29.4 (Statutory declaration to avoid fine after fixed penalty notice)—

- (a) omit paragraph (4); and
- (b) for the third paragraph of the note to the rule substitute—

“*Under rule 2.11 (Taking of statutory declarations by court officers) a court officer may take the statutory declaration to which this rule refers.*”

**17.** In Part 31 (Behaviour orders)—

- (a) in the first paragraph of the note to rule 31.1 (When this Part applies)—
  - (i) after sub-paragraph (a)(xi) insert—
    - “(xii) *section 342A of the 2020 Act(d) (serious violence reduction orders),*
    - “(xiii) *section 31(3) of the Domestic Abuse Act 2021(e) (domestic abuse protection orders);*”,
  - (ii) for sub-paragraph (b) substitute—
    - “(b) *on acquittal, under—*

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(a) 2020 c. 17; section 25A was inserted by section 11 of the Judicial Review and Courts Act 2022 (c. 35).  
 (b) 1981 c. 54; section 46ZA was inserted by section 11 of the Judicial Review and Courts Act 2022 (c. 35).  
 (c) 1998 c. 37; paragraph 6 of Schedule 3 was amended by sections 90 and 106 of, and paragraph 179 of Schedule 13 and Schedule 15 to, the Access to Justice Act 1999 (c. 22), sections 41 of, and paragraphs 15 and 20 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44), S.I. 2005/886 and paragraphs 20 and 23 of the Schedule to the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).  
 (d) 2020 c. 17; section 342A is inserted by section 165 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32) with effect from a date to be appointed.  
 (e) 2021 c. 17; section 31 comes into force on a date to be appointed.

- (i) *section 5A of the Protection from Harassment Act 1997(a) (restraining orders on acquittal),*
- (ii) *section 31(5) of the Domestic Abuse Act 2021 (domestic abuse protection orders on acquittal);”*,
- (iii) at the end of sub-paragraph (c) omit “and”,
- (iv) at the end of sub-paragraph (d) insert “and”, and
- (v) after sub-paragraph (d) insert—
  - “(e) *where the Crown Court allows an appeal against conviction, under section 31(6) of the Domestic Abuse Act 2021 (domestic abuse protection orders after appeal).”*;
- (b) in rule 31.2 (Behaviour orders: general rules)—
  - (i) for paragraph (2) substitute—
    - “(2) That restriction does not apply to making—
    - (a) an interim behaviour order, but unless other legislation otherwise provides such an order has no effect unless the person to whom it is directed—
      - (i) is present when it is made, or
      - (ii) is handed a document recording the order not more than 7 days after it is made; or
    - (b) a domestic abuse protection order, but in that event the court must give the defendant an opportunity to make representations—
      - (i) as soon as is just and convenient, and
      - (ii) at a hearing of which notice has been given to all parties.”
  - (ii) in the second paragraph of the note to the rule, for “and section 366 of the Sentencing Act 2020(b)” substitute “section 366 of the Sentencing Act 2020 and section 34 of the Domestic Abuse Act 2021(c)”;
- (c) in rule 31.3 (Application for behaviour order and notice of terms of proposed order: special rules)—
  - (i) at the end of paragraph (1)(a)(iv) omit “or”,
  - (ii) at the end of paragraph (1)(a)(v) insert “or”,
  - (iii) after paragraph (1)(a)(v) insert—
    - “(vi) a serious violence reduction order;”
  - (iv) at the end of paragraph (1)(b) omit “or”,
  - (v) in paragraph (1)(c) after “restraining order” insert “or domestic abuse protection order”,
  - (vi) at the end of paragraph (1)(c) insert “and”,
  - (vii) after paragraph (1)(c) insert—
    - “(d) a prosecutor proposes a football banning order with additional requirements if the defendant is convicted.”
  - (viii) in paragraph (6), in the words before sub-paragraph (a) after “restraining order” insert “or domestic abuse protection order”,
  - (ix) at the end of paragraph (6)(a) omit “and”,
  - (x) in paragraph (6)(b), for “the draft order” substitute “a draft restraining order”,
  - (xi) at the end of paragraph (6)(b) insert “and”,

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(a) 1997 c. 40; section 5A was inserted by section 12(5) of the Domestic Violence, Crime and Victims Act 2004 (c. 28) and amended by paragraph 144 of Schedule 24 to the Sentencing Act 2020 (c. 17).

(b) 2020 c. 17.

(c) 2021 c. 17; section 34 comes into force on a date to be appointed.

- (xii) after paragraph (6)(b) insert—
  - “(c) in a draft domestic abuse protection order, specify those requirements (including any prohibitions or restrictions) which the prosecutor proposes as necessary to protect the person for whose protection the order is made from domestic abuse or the risk of domestic abuse, including different kinds of abusive behaviour.”,
- (xiii) in paragraph (7), in the words before sub-paragraph (a) for “a criminal behaviour order or a prohibition order” substitute “a prohibition order, a criminal behaviour order or a domestic abuse protection order”,
- (xiv) renumber paragraph (7) as (9),
- (xv) after paragraph (6) insert—
  - “(7) Where paragraph (1)(d) applies (football banning order with additional requirements), the prosecutor must serve a draft order on the court officer and on the defendant not less than 2 business days before the hearing at which the order may be made.
  - (8) Where the prosecutor serves a draft domestic abuse protection order, the prosecutor must at the same time—
    - (a) where the draft order would impose a requirement to do something—
      - (i) identify the person who is to be responsible for supervising the defendant’s compliance, and
      - (ii) serve evidence from that person about the suitability and enforceability of that requirement; and
    - (b) where the draft order would impose an electronic monitoring requirement—
      - (i) identify any person, other than the defendant, without whose co-operation it would be impracticable to secure the monitoring in question, and
      - (ii) serve evidence of that person’s consent.”,
- (xvi) in the second paragraph of the note to the rule for “rule 31.3(1)(b) and (c)” substitute “rule 31.3(1)(b), (c) and (d)”, and
- (xvii) for the third paragraph of the note to the rule substitute—
 

*“The court may give a special measures direction under the Youth Justice and Criminal Evidence Act 1999—*

  - (a) *on an application for an anti-social behaviour, under section 11 of the Crime and Disorder Act 1998(a);*
  - (b) *in proceedings for a prohibition order, under section 33 of the Psychoactive Substances Act 2016(b);*
  - (c) *on an application for a criminal behaviour order, under section 340 of the Sentencing Act 2020(c); and*
  - (d) *in proceedings for a domestic abuse protection order, under section 49 of the Domestic Abuse Act 2021(d).”;*
- (d) in rule 31.4 (Evidence to assist the court: special rules)—
  - (i) at the end of paragraph (1)(b) omit “or”,
  - (ii) at the end of paragraph (1)(c) insert “or”, and
  - (iii) after paragraph (1)(c) insert—
    - “(d) a domestic abuse protection order.”;

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(a) 1998 c. 37; section 11 was inserted by section 143 of the Serious Organised Crime and Police Act 2005 (c. 15), amended by paragraph 72 of Schedule 21 and Part 3 of Schedule 23 to the Coroners and Justice Act 2009 (c. 25) and repealed for specified purposes by paragraph 24 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(b) 2016 c. 2.

(c) 2020 c. 17.

(d) 2021 c. 17; section 49 comes into force on a date to be appointed.

- (e) in rule 31.5 (Application to vary, renew, discharge or revoke behaviour order), in each of paragraphs (2)(c), (3)(b) and (6)(a) after “a restraining order” insert “or a domestic abuse protection order”;
- (f) after rule 31.9 (Court’s power to vary requirements under this Part) insert—

**“Notice to supervisor of requirement for supervision or monitoring**

**31.10.**—(1) This rule applies where—

- (a) the legislation under which a behaviour order is made allows the court to impose a requirement for supervision or electronic monitoring; and
- (b) the court imposes such a requirement.

(2) The court officer must—

- (a) inform the person to be responsible for the supervision or monitoring (‘the supervisor’) of the defendant’s name, address and, if available, telephone number, and as appropriate—
  - (i) details of the requirement to be supervised or monitored, and
  - (ii) details of the place at which the defendant’s presence must be monitored and the period or periods during which the defendant’s presence at that place must be monitored;
- (b) inform the defendant of the supervisor’s identity and the means by which the supervisor may be contacted; and
- (c) notify the supervisor of any subsequent variation, renewal, discharge or revocation of the requirement.

*[Note. The legislation that gives the court power to make a behaviour order may define the circumstances in which a requirement for supervision or electronic monitoring may be imposed. Where a domestic abuse protection order is made under section 31 of the Domestic Abuse Act 2021(a), under section 35 of the 2021 Act(b) the court may impose any requirement, including any prohibition or restriction, that the court considers necessary to protect the person for whose protection the order is made from domestic abuse or the risk of domestic abuse. Under section 36 of the Act(c) an order that imposes a requirement to do something must specify the person who is to be responsible for supervising compliance with that requirement. Section 37 of the Act(d) provides for the circumstances in which the court may impose an electronic monitoring requirement.]”;* and

- (g) amend the table of contents correspondingly.

**18.** In Part 33 (Confiscation and related proceedings), in rule 33.66 (Confiscation orders - revised assessments)—

- (a) in paragraph (1)—
  - (i) after “the prosecutor” insert “or a receiver”,
  - (ii) for “section 13, 14 or 15” substitute “section 13, 14, 15, 16 or 17”, and
  - (iii) for “section 74A, 74B or 74C” substitute “section 74A, 74B, 74C or 83”; and
- (b) in paragraph (2)—
  - (i) at the end of sub-paragraph (d) omit “and”,
  - (ii) at the end of sub-paragraph (e) insert “and”, and
  - (iii) after sub-paragraph (e) insert—

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(a) 2021 c. 17; section 31 comes into force on a date to be appointed.  
 (b) 2021 c. 17; section 35 comes into force on a date to be appointed.  
 (c) 2021 c. 17; section 36 comes into force on a date to be appointed.  
 (d) 2021 c. 17; section 37 comes into force on a date to be appointed.

“(f) a copy of any certificate issued by the High Court.”

**19.** In Part 34 (Appeal to the Crown Court), in rule 34.1 (When this Part applies)—

- (a) at the end of paragraph (1)(d)(vi) omit “or”,
- (b) after paragraph (1)(d)(vii) insert—
  - “(viii) section 342I(2) of the 2020 Act(a), or
  - (ix) section 46(5) of the Domestic Abuse Act 2021(b).”; and
- (c) at the end of the note to the rule insert—

*“Under section 342I(2) of the Sentencing Act 2020 an applicant to a magistrates’ court for the variation, renewal or discharge of a serious violence reduction order made by that court, or a respondent to such an application, may appeal to the Crown Court against the decision of the magistrates’ court.*

*Under section 46(5), (7) of the Domestic Abuse Act 2021 an applicant to a magistrates’ court for the variation or discharge of a domestic abuse prevention order made by that court, or a respondent to such an application, may appeal to the Crown Court against the decision of the magistrates’ court.”*

**20.** In Part 35 (Appeal to the High Court by case stated)—

- (a) in rule 35.2 (Application to state a case)—
  - (i) for paragraph (4) substitute—

“(4) The court—

    - (a) may determine the application without a hearing; and
    - (b) must determine the application not more than 15 business days after the time for service of representations under paragraph (3) has expired.”; and
  - (ii) in paragraph (5)(b) omit “if not more than 15 business days later the applicant asks for those reasons”; and
- (b) in rule 35.4 (Duty of justices’ legal adviser), in paragraph (2)(b) for “if the court so requires, assist it” substitute “assist the court”.

**21.** In Part 39 (Appeal to the Court of Appeal about conviction or sentence), in rule 39.1 (When this Part applies)—

- (a) at the end of paragraph (1)(f)(ii) omit “or”;
- (b) renumber paragraph (1)(f)(iii) as (1)(f)(v);
- (c) after paragraph (1)(f)(ii) insert—
  - “(iii) section 342I(2) of the 2020 Act,
  - (iv) section 46(5) of the Domestic Abuse Act 2021, or”; and
- (d) after the eleventh paragraph of the note to the rule insert—

*“Under section 342I(2) of the Sentencing Act 2020 an applicant to the Crown Court for the variation, renewal or discharge of a serious violence reduction order made by that court, or a respondent to such an application, may appeal to the Court of Appeal against the decision of the Crown Court.*

*Under section 46(5), (7) of the Domestic Abuse Act 2021 an applicant to the Crown Court for the variation or discharge of a domestic abuse prevention order made by that court, or a respondent to such an application, may appeal to the Court of Appeal against the decision of the Crown Court.”*

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(a) 2020 c. 17; section 342I is inserted by section 165 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32) with effect from a date to be appointed.

(b) 2021 c. 17; section 46 comes into force on a date to be appointed.

**22.** In Part 44 (Reopening a case in a magistrates' court), in rule 44.2 (Statutory declaration of ignorance of proceedings)—

- (a) omit paragraph (7); and
- (b) for the third paragraph of the note to the rule substitute—

*“Under rule 2.11 (Taking of statutory declarations by court officers) a court officer may take the statutory declaration to which this rule refers.”*

**23.** In Part 45 (Costs), in rule 45.4 (Costs out of central funds)—

- (a) for paragraphs (4) to (8) substitute—

*“(4) Where a person wants the court to make an order that person must apply as soon as practicable and—*

- (a) on an application for a defendant's costs order—
  - (i) outline the type of costs and the amount claimed, if that person the applicant wants the court to direct an assessment; or
  - (ii) specify the amount claimed, giving details, if that person the applicant wants the court to assess the amount itself; or
- (b) on an application for a prosecutor's costs order—
  - (i) apply in writing and serve it on the court officer (or, in the Court of Appeal, the Registrar), and
  - (ii) in the application specify the amount claimed to the date of the application and provide the information listed in paragraph (5).

(5) The information required by paragraph (4)(b) is—

- (a) a summary of the items of work to date done by a solicitor;
- (b) a statement of the dates on which items of work were done, the time taken and the sums claimed;
- (c) details of any disbursements claimed, the circumstances in which they were incurred and the amounts claimed in respect of them, and
- (d) such further particulars, information and documents as the court may require.

(6) The general rule is that the court must make an order, but—

- (a) the court may decline to make a defendant's costs order if, for example—
  - (i) the defendant is convicted of at least one offence, or
  - (ii) the defendant's conduct led the prosecutor reasonably to think the prosecution case stronger than it was;
- (b) the court may decline to make a prosecutor's costs order if, for example, the prosecution was started or continued unreasonably; and
- (c) the court may decline to make an order if the applicant fails to provide enough information for the court to decide whether to make an order at all and, if so, whether it should be for the full amount recoverable or for a lesser sum.

(7) If the court makes an order—

- (a) the general rule is that it must be for such amount as the court considers reasonably sufficient to compensate the applicant for any expenses properly incurred in the proceedings;
- (b) where the court considers there to be circumstances making it inappropriate for the applicant to recover that amount then the order must be for such lesser amount as the court considers just and reasonable;
- (c) the court may fix the amount to be paid in a case in which either—
  - (i) the recipient agrees the amount, or

- (ii) the court decides to allow a lesser sum than the full amount otherwise recoverable; and
- (d) if the court does not fix the amount itself it must direct an assessment under, as applicable—
  - (i) Part III of the Costs in Criminal Cases (General) Regulations 1986(a), or
  - (ii) Part 3 of the Serious Crime Act 2007 (Appeals under Section 24) Order 2008(b).

(8) If the court makes a defendant’s costs order—

- (a) the order may not require the payment of any amount in respect of fees payable to a legal representative, or disbursements paid by a legal representative (including expert witness costs), but if the defendant is an individual then an order may require payment of such an amount in a case—
  - (i) in a magistrates’ court, including in an extradition case,
  - (ii) in the Crown Court, on appeal from a magistrates’ court,
  - (iii) in the Crown Court, where the defendant has been sent for trial, the High Court gives permission to serve a draft indictment or the Court of Appeal orders a retrial and the defendant has been found financially ineligible for legal aid, or
  - (iv) in the Court of Appeal, on an appeal against a verdict of not guilty by reason of insanity, or against a finding under the Criminal Procedure (Insanity) Act 1964(c), or on an appeal under section 16A of the Criminal Appeal Act 1968(d) (appeal against order made in cases of insanity or unfitness to plead);
- (b) any such amount may not exceed an amount specified by regulations made by the Lord Chancellor; and
- (c) an order which includes an amount in respect of fees payable to a legal representative, or disbursements paid by a legal representative, must include a statement to that effect.

(9) If the court fixes the amount to be paid itself, it must do so subject to any restriction on the amount that is imposed by regulations made by the Lord Chancellor.

(10) If the court directs an assessment, the order must specify any restriction on the amount to be paid that the court considers appropriate.”; and

(b) for the final paragraph of the note to the rule substitute—

*“Where the court makes an order for the payment of a defendant’s costs out of central funds, see also section 16A of the Prosecution of Offences Act 1985(e), sections 62A, 62B, 135A and 135B of the Extradition Act 2003(f) and regulations 4A and 7 of the Costs in Criminal Cases (General) Regulations 1986(g).”*

**24.** In Part 47 (Investigation orders and warrants)—

- (a) in each of the following after “live link” omit “or telephone”—
  - (i) rule 47.5(7) (investigation orders, exercise of court’s powers),

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(a) S.I. 1986/1335; relevant amending instruments are S.I. 1999/2096 and S.I. 2008/2448.

(b) S.I. 2008/1863.

(c) 1964 c. 84.

(d) 1968 c. 19; section 16A was inserted by section 25 of the Domestic Violence, Crime and Victims Act 2004 (c. 28).

(e) 1985 c. 23; section 16A was inserted by paragraphs 1 and 3 and Part 4 of Schedule 7 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and amended by S.I. 2014/130.

(f) 2003 c. 41; sections 62A and 62B were inserted by paragraphs 12 and 15 and Part 4 of Schedule 7 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and sections 135A and 135B were inserted by paragraphs 12 and 18 and Part 4 of that Schedule.

(g) S.I. 1986/1335; regulation 4A was inserted by regulations 4 and 5 of S.I. 2012/1804. Regulation 7 was substituted by regulations 4 and 6 of S.I. 2012/1804 and amended by S.I. 2013/2830.



- (ii) rule 47.36(3) (orders for the retention or return of property, exercise of court’s powers),
- (iii) rule 47.55(7) (orders for access to documents, etc. under the Criminal Appeal Act 1995, exercise of court’s powers), and
- (iv) rule 47.60(5) (orders for the extension of a moratorium period, exercise of court’s powers);
- (b) in the second paragraph of the note to rule 47.63 (When this Section applies), after “‘excepted electronic data’ also includes communications data within the meaning of the 2016 Act” insert “unless that communications data is comprised in, included as part of, attached to or logically associated with the electronic data sought”;
- (c) in rule 47.64(7) (Exercise of court’s powers) after “live link” omit “or telephone”;
- (d) in rule 47.65 (Application for order)—
  - (i) in paragraph (4) after “Secretary of State” insert “, or on a person prescribed by regulations,” and
  - (ii) in the third paragraph of the note to the rule after “Secretary of State” insert “or by a person prescribed by regulations made by the Secretary of State”; and
- (e) in rule 47.66 (Application to vary or revoke an order)—
  - (i) at the end of paragraph (3)(b) omit “and”,
  - (ii) renumber paragraph (3)(c) as (3)(d),
  - (iii) after paragraph (3)(b) insert—
    - “(c) attach a draft order in the terms proposed by the applicant; and”,
  - (iv) after paragraph (6) insert—
    - “(7) The court officer must serve on the applicant for the overseas production order under rule 47.65 any order made on an application under this rule, and—
    - (a) in the event that the court varies the overseas production order, the applicant under rule 47.65 must serve the order as varied on the Secretary of State, or on a person prescribed by regulations, for service on the respondent on whom the overseas production order first was served;
    - (b) in any other event, the applicant under rule 47.65 must serve the order made on the application under this rule on every other person served under paragraph (3)(b).”,
    - (v) in the first paragraph of the note to the rule after “sections 7,” insert “9,” and
    - (vi) at the end of the note to the rule insert—

*“The Practice Direction sets out forms of application and order for use in connection with this rule.”*

**25.** In the preamble to the Criminal Procedure Rules 2020, in sub-paragraph (b)—

- (a) in the first column, headed “Rule”, immediately beneath the entry for rule 2.4, 2.5, 2.6, 2.7, 2.8 and 2.9 insert “2.11” and in the second column, headed “Power”, in the corresponding position insert “Section 2 of the Commissioners for Oaths Act 1889(a)”;
- (b) omit the entry for rule 29.4; and
- (c) in the second column, in the position corresponding with the entry for rule 44.2, omit “and section 2 of the Commissioners for Oaths Act 1889”.

*Burnett of Maldon, C.J.  
Fulford, L.J.  
William Davis, L.J.*

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(a) 1889 c. 10; section 2 was amended by section 59 of, and paragraph 15 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

*Foster, J.  
Martin Edmunds  
Patrick Field  
Michael Snow  
Louise Bryant  
Ed Lidington  
Suzanne Gadd  
Max Hill  
Alison Pople  
Paul Jarvis  
Folashade Abiodun  
Edmund Smyth  
Nicholas Ephgrave*

I allow these Rules, which shall come into force in accordance with rule 2.  
Signed by authority of the Lord Chancellor

14th July 2022

*Sarah Dines*  
Parliamentary Under Secretary of State  
Ministry of Justice

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Criminal Procedure Rules 2020, S.I. 2020/759, as follows:

<i>Rule</i>	<i>Amendment</i>
Part 2	Rule 2.1 is amended to omit temporary provisions no longer required. Rule 2.2 is amended to correspond with a new statutory definition of ‘live link’. Rule 2.10 is added to bring together in one Part all the non-administrative powers exercisable by court officers under the Rules.
Part 3	Rule 3.32 is amended explicitly to require the identification of each indictment on which the prosecutor wants the defendant to be arraigned in the Crown Court where two or more indictments or draft indictments have been prepared. Rules 3.35 to 3.39 are added to supplement new statutory powers to direct the use of a live link.
Part 4	Rule 4.1 is amended to accommodate and list new statutory provisions about the service of documents.
Part 5	Rule 5.4 is amended to require a record to be made of when directions are given to jurors, or other assistance given to them, and of when submissions and rulings are made about such directions and assistance. Rule 5.6 is amended explicitly to require the court officer to retain, as well as evidence, etc. served by a party to the case, other evidence or material which is prepared for the court (for example, a video recording of the pre-trial cross-examination of a witness). Rule 5.10 is amended explicitly to apply the rule to the exercise of a court’s power to allow access to a document, including a recording, without requiring a copy to be made. Rule 5.11 is amended to require the publication of a warning where general, not case-specific, reporting restrictions may apply.
Part 7	Rule 7.2 is amended to incorporate examples of the circumstances in which the court can decline to issue a summons or warrant to which the Part 7 rules apply. Rule 7.4 is amended to require a summons to identify the prosecutor where that prosecutor is not a public authority.
Part 9	New rule 9.16 is added to supplement a new statutory power to send a defendant back from the Crown Court to a magistrates’ court for trial, and to distinguish that new power from an existing similar power.
Part 10	Rule 10.2 is amended to require the prosecutor to specify, in a document containing an indictment, the type of indictment contained, and to provide for the consolidated sentencing indictment that rule 25.16 will require.
Part 25	Rule 25.2 is amended explicitly to require the identification of each indictment on which the prosecutor wants a Crown Court trial to proceed where two or more indictments have been prepared. Rule 25.10 is amended to prescribe the procedure to be followed when a defendant previously found unfit to be tried is assessed as having recovered. Rule 25.16 is amended to provide for the preparation of a consolidated sentencing indictment. Rule 25.18 is amended explicitly to require the court officer to retain written directions and other material given to jurors.

- Part 26 New rule 26.6 is added to prescribe the oath to be taken by a British Sign Language interpreter for a juror under new statutory provisions that permit such interpretation.
- Part 31 Rules 31.1, 31.2, 31.3, 31.4 and 31.5 are amended to list and to provide for serious violence reduction orders and domestic abuse protection orders (when those two new types of order become available), and additional requirements in football banning orders. New rule 31.10 is added explicitly to require the giving of notice to those responsible for implementing a supervision or electronic monitoring requirement.
- Part 33 Rule 33.66 is amended explicitly to extend that rule to applications for revised financial assessments in cases that antedate 2002.
- Part 34 Rule 34.1 is amended to list appeals to the Crown Court in connection with serious violence reduction orders and domestic abuse protection orders (when those two new types of order become available).
- Part 35 Rule 35.2 is amended to impose a time limit for the court's initial decision to state a case for the High Court, or to decline to do so. Rule 35.4 is amended to require legal advisers in all cases to assist lay justices in preparing a case stated.
- Part 39 Rule 39.1 is amended to list appeals to the Court of Appeal in connection with serious violence reduction orders and domestic abuse protection orders (when those two new types of order become available).
- Part 45 Rule 45.4 is amended (i) to specify the information that must be given to the court on an application for a prosecutor's costs to be paid from central funds, and (ii) to incorporate the criteria that the court must apply.
- Part 47 Rule 47.66 is amended explicitly to provide for the service, including service overseas, of a variation of a previous order.

Correction of error. Rule 9.2(1) is amended to correct an error that it contains.

Amendments consequent on other amendments. The following other rules and notes to rules ('n') are amended in consequence only of statutory amendments made by the Police, Crime, Sentencing and Courts Act 2022 and the Judicial Review and Courts Act 2022, or the rule amendments listed above (or both): the heading to Part 2; 3.1, 3.2, 3.3, 3.5; 4.7; 5.8, 5.9; 9.1; 14.18; 18.1, 18.2, 18.3, 18.4(n), 18.5(n), 18.15, 18.16, 18.23 to 18.26 (which four rules are omitted), 18.27 to 18.32 (which six rules are renumbered) and the summary at the end of Part 18; 25.17; 28.10; 29.4; 44.2; and 47.5, 47.36, 47.55, 47.60, 47.63, 47.64 and 47.65.

The following come into force on 15th August 2022—

- (a) the amendments in Parts 2, 3, 7, 14, 18 and 47 consequent upon new statutory provisions about live links (see sections 200 and 201 of, and Schedule 20 to, the Police, Crime, Sentencing and Courts Act 2022);
- (b) the amendments in Part 4 consequent upon new statutory provisions about the service of documents (see section 16 of the Judicial Review and Courts Act 2022);
- (c) the amendments in Parts 9 and 28 consequent upon new statutory provisions about sending a defendant back from the Crown Court to a magistrates' court for trial, and remitting a defendant from the Crown Court to a magistrates' court for sentence (see section 11 of the Judicial Review and Courts Act 2022);

- (d) the amendment in Part 26 consequent upon new statutory provisions about British Sign Language interpretation for deaf jurors (see section 196 of the Police, Crime, Sentencing and Courts Act 2022); and
- (e) the amendment to rule 9.2 that corrects an error.

The following come into force on 3rd October 2022—

- (a) the amendments in Part 2 about the powers of court officers;
- (b) the amendments in Part 3 about indictments on arraignment in the Crown Court;
- (c) the amendments in Part 5 about (i) court records, (ii) case materials, (iii) access to documents and recordings, and (iv) warnings about reporting or access restrictions;
- (d) the amendments in Part 7 about (i) declining to issue a summons, and (ii) identification of the prosecutor in a summons;
- (e) the amendments in Part 10 about indictments;
- (f) the amendments in Part 25 about (i) indictments for trial and sentencing, (ii) the resumption of trial after a defendant’s recovery from being unfit to be tried, and (iii) retention of written jury directions and other jury materials;
- (g) the amendments in Parts 29, 44 and the preamble to the Criminal Procedure Rules that are consequent upon the amendments in Part 2 about the powers of court officers;
- (h) the amendments in Part 31 that will provide for serious violence reduction orders and domestic abuse protection orders when those two new types of order become available, and additional requirements in football banning orders;
- (i) the amendments in Part 33 that accommodate applications for revised financial assessments in cases that began before 2002;
- (j) the amendments in Parts 34 and 39 that will accommodate appeals in connection with serious violence reduction orders and domestic abuse protection orders when those two new types of order become available;
- (k) the amendments in Part 35 about (i) the time limit for the court’s decision to state a case, and (ii) the duties of magistrates’ legal advisers;
- (l) the amendments in Part 45 about applications for costs from central funds; and
- (m) the amendments in Part 47 about overseas production orders.

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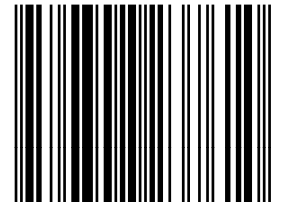




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