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STATUTORY INSTRUMENTS

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**2023 No. 786**

**The Criminal Procedure (Amendment No. 2) Rules 2023**

**Amendments to the Criminal Procedure Rules**

**4. In Part 3 (Case management)—**

**(a) in rule 3.2 (The duty of the court)—**

**(i) after paragraph (4) insert—**

“(5) At the first hearing in a case the court must require a defendant who is present—

**(a) to provide—**

**(i) the defendant’s name and date of birth; and**

**(ii) at least one address at which documents may be served on the defendant under rule 4.4 (Service by leaving or posting a document), including any address at which the defendant resides, in order to facilitate effective communication between the court and the defendant; and**

**(b) further to assist communication between the court and the defendant, to provide any—**

**(i) electronic address by means of which written messages may be sent to the defendant, and**

**(ii) telephone number by means of which oral messages may be given to or left for the defendant.**

**(6) At any hearing after the first in a case the court may require a defendant who is present to provide or confirm the information required under paragraph (5).**

**(7) Information required under paragraph (5)(a) must be provided in public unless on an application under rule 6.4 (Reporting and access restrictions) the court otherwise directs.**

**(8) If the defendant fails to comply with a requirement to provide name and date of birth—**

**(a) the court that imposed the requirement—**

**(i) may invite the prosecutor there and then to start a prosecution in respect of that failure, in accordance with the rules in Part 7 (Starting a prosecution in a magistrates’ court),**

**(ii) must apply to any such prosecution the rules in Part 24 (Trial and sentence in a magistrates’ court), and**

**(iii) in any such prosecution may receive evidence from court staff but must not, as a general rule, receive evidence from the defendant’s legal representative (if any) or from a member of the court; and**

**(b) for the purposes of this paragraph the rules in Parts 7 and 24 apply in the Crown Court as well as in a magistrates’ court.”, and**

(ii) at the end of the note to the rule insert—

*“Under section 86A of the Courts Act 2003(1), Criminal Procedure Rules must specify stages of proceedings at which the court must require the defendant to provide name and date of birth and may specify other stages of proceedings at which such a requirement may be imposed. Under section 86A(3) a person commits an offence if, without reasonable excuse, that person fails to comply with such a requirement, whether by providing false or incomplete information or by providing no information. Under section 86A(6) the court before which a person is required to provide that information may deal with any suspected such offence at the same time as dealing with the offence for which the person was already before the court.”;*

(b) in rule 3.5 (The court’s case management powers)—

(i) after paragraph (6) insert—

“(7) In deciding whether to postpone, cancel or adjourn a hearing the court must take into account—

- (a) the likelihood that delay would be contrary to the court’s duty under rule 1.3 (The application by the court of the overriding objective);
- (b) the court’s duty under rule 3.8 (Case preparation and progression);
- (c) the availability of a substitute hearing date;
- (d) the need for compelling reasons, and especially where an application to postpone, cancel or adjourn is made at or shortly before the hearing;
- (e) the nature and gravity of any failure to comply with a rule or direction, or to take some other step, where that failure prompts the proposed postponement, cancellation or adjournment; and
- (f) the evidence of unfitness to attend, where a participant’s ill-health prompts the proposed postponement, cancellation or adjournment, and in particular the extent to which any medical certificate satisfactorily—
  - (i) identifies the date of the participant’s examination,
  - (ii) describes the participant’s injury, illness or condition, the activity or activities which that ill-health impedes and the likely duration of that impediment, and
  - (iii) explains how that ill-health renders the participant unfit to attend the hearing.” and

(ii) after the second paragraph of the note to the rule insert—

*“The court may require expert evidence in support of an application to postpone, cancel or adjourn a hearing by reason of ill-health, in particular from the medical practitioner who provided a certificate in support of the application. See also Part 19 (Expert evidence).”;* and

(c) in each of rules 3.16 (Pre-trial hearings in a magistrates’ court: general rules) and 3.21 (Pre-trial hearings in the Crown Court: general rules)—

- (i) omit paragraph (5), and
- (ii) omit the final paragraph of the note to the rule.

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(1) 2003 c. 39; section 86A was inserted by section 162 of the Policing and Crime Act 2017 (c. 3).