
STATUTORY INSTRUMENTS

2023 No. 786

The Criminal Procedure (Amendment No. 2) Rules 2023

Amendments to the Criminal Procedure Rules

5. In Part 5 (Forms and court records)—
- (a) in rule 5.1 (Applications, etc. by forms or electronic means), in paragraph (2)(b) for “set out in” substitute “issued under”;
 - (b) in rule 5.2 (Forms in Welsh), in paragraph (1) for “set out in the Practice Direction, or in the Criminal Costs Practice Direction,” substitute “issued under the Practice Direction or the Criminal Costs Practice Direction”;
 - (c) in rule 5.5 (Recording and transcription of proceedings in the Crown Court)—
 - (i) in paragraph (1), after “Court of Appeal,” insert “paragraphs (2) to (4) apply and”;
 - (ii) after paragraph (4) insert—
 - “(5) Where the court exercises at a hearing a power to which Part 47 applies (Investigation orders and warrants)—
 - (a) the court officer must arrange for the recording of that hearing unless the court otherwise directs; and
 - (b) paragraphs (6) to (9) apply.
 - (6) A party or person affected by the exercise of that power who wants to hear such a recording or who wants a transcript of such a recording must—
 - (a) apply in writing to the court officer;
 - (b) explain the reasons for the request; and
 - (c) pay any fee prescribed.
 - (7) On an application under paragraph (6) to hear a recording the court officer may allow the applicant to do so—
 - (a) where the hearing was in public;
 - (b) where the hearing was in private only if the applicant was present at that hearing; and
 - (c) subject to any direction by the court.
 - (8) On an application under paragraph (6) for a transcript of a recording the court officer may arrange for transcription—
 - (a) where the hearing was in public;
 - (b) where the hearing was in private only if the applicant was present at that hearing; and
 - (c) subject to any direction by the court.
 - (9) A person who transcribes such a recording—
 - (a) must supply a transcript of a hearing in public to any applicant under paragraph (6), subject to paragraph (9)(b);

- (b) if the recording of a hearing in public contains information to which reporting restrictions apply, may only supply a transcript containing that information to a recipient to whom that supply will not contravene those restrictions;
- (c) may only supply a transcript of a hearing in private to a recipient who was present at that hearing; and
- (d) must supply any such transcript—
 - (i) in accordance with the transcription arrangements made by the court officer, and
 - (ii) on payment of any fee prescribed.”, and
- (iii) for the first paragraph of the note to the rule substitute—

“[Note. Under section 32 of the Criminal Appeal Act 1968(1)Criminal Procedure Rules may provide for the making of a record of any proceedings in respect of which an appeal lies to the Court of Appeal and for the making and supply of a transcript of such a record.”;
- (d) in rule 5.8 (Request for information about a case), in paragraph (1)(b) for “(Request for written certificate or extract for use in evidence, etc.)” substitute “(Request for certificate, extract or information under other legislation)”;
- (e) in rule 5.11 (Publication of information about court hearings)—
 - (i) for the heading to the rule substitute “Publication of information about court hearings, etc.”,
 - (ii) at the end of paragraph (2)(b) omit “and”,
 - (iii) for paragraph (2)(c) substitute—
 - “(c) by notice under paragraph (1)(b)(i), such other information as it may be practicable to publish concerning—
 - (i) the type of hearing,
 - (ii) the identity of the prosecutor,
 - (iii) the identity of the court, and
 - (iv) any reporting or access restriction that applies; and
 - (d) by arrangements under paragraph (1)(b)(ii), such other information as it may be practicable to publish concerning—
 - (i) the details listed in paragraph (2)(c), and
 - (ii) the offence or offences alleged.”, and
 - (iv) in paragraph (3) for “Where a case is ready to be tried without a hearing” substitute “Where 15 business days have expired after service on the defendant of a written charge and other documents”;
- (f) in rule 5.12 (Request for written certificate or extract for use in evidence, etc.)—
 - (i) for the heading to the rule substitute “Request for certificate, extract or information under other legislation”, and
 - (ii) in paragraph (1)(b) for “requires” substitute “requires or permits”;
- (g) in the note to rule 5.12 (Request for written certificate or extract for use in evidence, etc.), in the second paragraph—

- (i) at the end of sub-paragraph (b) omit “and”,
- (ii) renumber sub-paragraph (c) as (d), and
- (iii) after sub-paragraph (b) insert—
 - “(c) *section 14 of the Offender Management Act 2007(2), under which information may be supplied to specified persons for offender management purposes; and*”; and
- (h) amend the table of contents correspondingly.

(2) [2007 c. 21](#); section 14 was amended by sections 38 and 39 of, and paragraphs 24 and 26 of Schedule 9 and paragraph 37 of Schedule 10 to, the Criminal Justice and Courts Act [2015 \(c. 2\)](#).