
STATUTORY INSTRUMENTS

2024 No. 62

The Criminal Procedure (Amendment) Rules 2024

Amendments to the Criminal Procedure Rules

4. In Part 3 (Case management)—

(a) in rule 3.1 (When this Part applies), at the end of the first paragraph of the note to the rule insert “Rules that apply to procedure in extradition proceedings are in Part 50 of these Rules: see in particular rules 50.3, 50.4, 50.17 and 50.18.”;

(b) at the end of rule 3.3 (The duty of the parties) insert—

“[Note. See also rule 3.8(7) (Case preparation and progression) about the participation of a witness companion.]”;

(c) in rule 3.8 (Case preparation and progression)—

(i) for paragraph (6)(a) substitute—

“(a) giving directions for someone to accompany a witness if the witness so wishes while the witness gives evidence and at any other hearing; and”;

(ii) renumber paragraph (7) as (9),

(iii) after paragraph (6) insert—

“(7) Where a witness will be accompanied—

(a) the court—

(i) may allow or require the companion to sit with the witness, and

(ii) if the companion is an advisor must as a general rule allow that advisor to sit next to or near the witness in the courtroom or at any other place where the witness takes part, subject to any direction under rule 3.9 (Ground rules hearing);

(b) before the hearing begins an accompanying advisor must notify the court, orally or in writing (but not in public unless the court otherwise directs) of—

(i) the advisor’s presence, the advisor’s name and the identity of the witness whom the advisor will accompany, and

(ii) the name and address of the organisation, if any, on behalf of which the advisor is providing the witness with support; and

(c) an advisor or other companion must not—

(i) discuss the evidence with the witness,

(ii) advise the witness on how to answer a question,

(iii) give the witness legal advice,

(iv) address the court unless asked to do so, or

(v) interrupt the hearing.

- (8) For the purposes of this rule ‘advisor’ means an independent domestic violence advisor or an independent sexual violence advisor and—
- (a) an independent domestic violence advisor is a person who provides support to an individual who is a victim of criminal conduct which constitutes domestic abuse within the meaning of the Domestic Abuse Act 2021(1); and
 - (b) an independent sexual violence advisor is a person who provides support to an individual who is a victim of criminal conduct which constitutes conduct of a sexual nature.”, and
- (iv) in the note to the rule, immediately after “Note.” insert—
- “See also—
- (a) rule 3.3(2)(g) which requires the parties to alert the court to any potential need for a witness to be accompanied while giving evidence; and
 - (b) rule 3.36(2)(h) (Content of application for a live link direction) and rule 18.10(f) (Content of application for a special measures direction) about the participation of a witness companion in the circumstances to which those rules apply.”;
- (d) in rule 3.19 (Service of prosecution evidence)—
- (i) for paragraph (1) substitute—

“(1) This rule applies where the prosecutor—

 - (a) serves a draft indictment under rule 10.4, 10.5, 10.6, 10.7 or 10.8 (service of draft indictment after sending for trial; with judicial permission or on judicial direction; in connection with a deferred prosecution agreement; or on reinstatement of proceedings); and
 - (b) serves on the defendant copies of the documents containing the evidence on which the prosecution case relies.”, and
 - (ii) for the note to the rule substitute—

“[Note. See the rules in Part 10 (The indictment) listed in this rule and the other legislation to which those rules refer.

See also the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005(2) which apply where a case is sent for trial. The time for service of the prosecution evidence in such a case is prescribed by regulation 2. It is—

 - (a) not more than 50 days after sending for trial, where the defendant is in custody; and
 - (b) not more than 70 days after sending for trial, where the defendant is on bail.]”;

(e) in rule 3.35 (Live link direction: exercise of court’s powers)—

 - (i) in paragraph (1) after “sections 51 and 52 of the Criminal Justice Act 2003(3)” insert “or under sections 206A and 206B of the Extradition Act 2003(4)”,
 - (ii) at the end of paragraph (4)(f) omit “and”,

(1) 2021 c. 17.

(2) S.I. 2005/902; amended by S.I. 2012/1345.

(3) 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) 2003 c. 41; sections 206A and 206B were inserted by section 78 of the Policing and Crime Act 2009 (c. 26). Section 206A was amended by section 208 of, and paragraph 2 of Schedule 20 to, the Police, Crime Sentencing and Courts Act 2022 (c. 32).

- (iii) renumber paragraph (4)(g) as (4)(h),
- (iv) after paragraph (4)(f) insert—
 - “(g) if the proposed direction is for a person to take part by live link from a place outside the United Kingdom, any permission needed from a court or other authority in that place; and”,
- (v) renumber paragraph (7) as (8),
- (vi) after paragraph (6) insert—
 - “(7) Where the proposed live link direction is for a person to take part by live link from a place outside the United Kingdom, the party in respect of whose case it is sought must assist the court by—
 - (a) finding out whether permission is needed from a court or other authority in that place;
 - (b) preparing any formal request needed to obtain that permission; and
 - (c) obtaining any such permission required.”, and
- (vii) in the note to the rule after “sections 51, 52, 52A and 53 of the Criminal Justice Act 2003(5)” insert “and sections 206A to 206C of the Extradition Act 2003(6)”.

(5) [2003 c. 44](#); section 52A was inserted, and section 53 amended, by paragraph 1 of Schedule 20 to, the Police, Crime, Sentencing and Courts Act 2022 (c. 32). Section 53 was also amended by article 2 of, and paragraph 99 of the Schedule to, [S.I. 2005/886](#).

(6) [2003 c. 41](#); section 206C was inserted by section 78 of the Policing and Crime Act 2009 (c. 26) and amended by section 208 of, and paragraph 2 of Schedule 20 to, the Police, Crime Sentencing and Courts Act 2022 (c. 32).