



Courts Act 2003

2003 CHAPTER 39

PART 7 **E+W**

PROCEDURE RULES AND PRACTICE DIRECTIONS

Modifications etc. (not altering text)

- C1** Pt. 7 modified (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 36(4), 94(1); S.I. 2008/755, art. 15(1) (f)

Criminal Procedure Rules and practice directions

68 Meaning of “criminal court” **E+W**

In this Part “criminal court” means—

- (a) the criminal division of the Court of Appeal;
- (b) when dealing with any criminal cause or matter—
 - (i) the Crown Court;
 - (ii) a magistrates' court.

69 Criminal Procedure Rules **E+W**

- (1) There are to be rules of court (to be called “Criminal Procedure Rules”) governing the practice and procedure to be followed in the criminal courts.
- (2) Criminal Procedure Rules are to be made by a committee known as the Criminal Procedure Rule Committee.
- (3) The power to make Criminal Procedure Rules includes power to make different provision for different cases or different areas, including different provision—
 - (a) for a specified court or description of courts, or
 - (b) for specified descriptions of proceedings or a specified jurisdiction.

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Changes to legislation: Courts Act 2003, Part 7 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Any power to make or alter Criminal Procedure Rules is to be exercised with a view to securing that—
- (a) the criminal justice system is accessible, fair and efficient, and
 - (b) the rules are both simple and simply expressed.

Commencement Information

II S. 69 wholly in force at 1.9.2004, see s. 110(1)(2) and [S.I. 2004/2066](#), [art. 2\(b\)\(i\)](#) (subject to [art. 3](#))

70 Criminal Procedure Rule Committee E+W

- (1) The Criminal Procedure Rule Committee is to consist of—
- (a) the Lord Chief Justice, and
 - (b) the persons currently appointed by the Lord Chancellor under subsection (2).
- (2) The Lord Chancellor must appoint—
- (a) a person nominated by the Secretary of State,
 - (b) three persons each of whom is either a puisne judge of the High Court or an ordinary judge of the Court of Appeal,
 - (c) two Circuit judges with particular experience of sitting in criminal courts,
 - (d) one District Judge (Magistrates' Courts),
 - (e) one lay justice,
 - (f) one justices' clerk,
 - (g) the Director of Public Prosecutions or a person nominated by the Director,
 - (h) two persons who have a Supreme Court qualification and who have particular experience of practice in criminal courts,
 - (i) two persons who—
 - (i) have been granted by an authorised body, under Part 2 of the 1990 Act, the right to conduct litigation in relation to all proceedings in the Supreme Court, and
 - (ii) have particular experience of practice in criminal courts,
 - (j) one person who appears to represent the Association of Chief Police Officers, and
 - (k) two persons who appear to represent voluntary organisations with a direct interest in the work of criminal courts.
- (3) Before appointing a person under subsection (2)(b) to (f), the Lord Chancellor must consult the Lord Chief Justice.
- (4) The Criminal Procedure Rule Committee is to be chaired by the Lord Chief Justice; and one of the judges appointed under subsection (2)(b) is to be his deputy.
- (5) The Lord Chancellor may reimburse—
- (a) the travelling and out-of-pocket expenses of the members of the Criminal Procedure Rule Committee, and
 - (b) authorised travelling and out-of-pocket expenses of persons invited to participate in the work of the Committee.
- (6) “The 1990 Act” means the Courts and Legal Services Act 1990 (c. 41).

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71 Power to change certain requirements relating to Committee **E+W**

- (1) The Lord Chancellor may by order—
 - (a) amend section 70(2) (persons to be appointed to Committee by Lord Chancellor), and
 - (b) make consequential amendments in any other provision of section 70.
- (2) Before making an order under this section the Lord Chancellor must consult the Lord Chief Justice.

72 Process for making Criminal Procedure Rules **E+W**

- (1) The Criminal Procedure Rule Committee must, before making Criminal Procedure Rules—
 - (a) consult such persons as they consider appropriate, and
 - (b) meet (unless it is inexpedient to do so).
- (2) Rules made by the Criminal Procedure Rule Committee must be—
 - (a) signed by a majority of the members of the Committee, and
 - (b) submitted to the Lord Chancellor.
- (3) The Lord Chancellor may, with the concurrence of the Secretary of State, allow, disallow or alter rules so made.
- (4) Before altering rules so made the Lord Chancellor must consult the Committee.
- (5) Rules so made, as allowed or altered by the Lord Chancellor—
 - (a) come into force on such day as the Lord Chancellor directs, and
 - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.
- (6) Subject to subsection (7), a statutory instrument containing Criminal Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A statutory instrument containing rules altered by the Lord Chancellor is of no effect unless approved by a resolution of each House of Parliament before the day referred to in subsection (5)(a).

Commencement Information

12 S. 72 wholly in force at 1.9.2004, see s. 110(1)(2) and [S.I. 2004/2066](#), [art. 2\(b\)\(ii\)](#) (subject to [art. 3](#))

VALID FROM 03/04/2006

[^{F1}72A Rules to be made if required by Lord Chancellor **E+W**

- (1) This section applies if the Lord Chancellor gives the Criminal Procedure Rules Committee written notice that he thinks it is expedient for Criminal Procedure Rules to include provision that would achieve a purpose specified in the notice.

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- (2) The Committee must make such rules as it considers necessary to achieve the specified purpose.
- (3) Those rules must be—
 - (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
 - (b) made in accordance with section 72.
- (4) The Lord Chancellor may not give notice under subsection (1) unless the Secretary of State agrees.]

Textual Amendments

- F1** S. 72A inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 336](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(aa\)](#)

73 Power to amend legislation in connection with the rules **E+W**

The Lord Chancellor may, with the concurrence of the Secretary of State, by order amend, repeal or revoke any enactment to the extent that he considers necessary or desirable—

- (a) in order to facilitate the making of Criminal Procedure Rules, or
- (b) in consequence of section 69 or 72 or Criminal Procedure Rules.

Commencement Information

- I3** S. 73 wholly in force at 1.9.2004, see s. 110(1)(2) and [S.I. 2004/2066](#), [art. 2\(b\)\(iii\)](#) (subject to [art. 3](#))

74 Practice directions as to practice and procedure of the criminal courts **E+W**

- (1) The Lord Chief Justice may, with the concurrence of the Lord Chancellor, give directions as to the practice and procedure of the criminal courts.
- (2) Directions as to the practice and procedure of the criminal courts may not be given by anyone other than the Lord Chief Justice without the approval of the Lord Chief Justice and the Lord Chancellor.
- (3) The power to give directions under subsection (1) includes power—
 - (a) to vary or revoke directions as to the practice and procedure of the criminal courts (or any of them), whether given by the Lord Chief Justice or any other person,
 - (b) to give directions containing different provision for different cases (including different areas), and
 - (c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.
- (4) Nothing in this section prevents the Lord Chief Justice, without the concurrence of the Lord Chancellor, giving directions which contain guidance as to law or making judicial decisions.

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Family Procedure Rules and practice directions

75 Family Procedure Rules **E+W**

- (1) There are to be rules of court (to be called “Family Procedure Rules”) governing the practice and procedure to be followed in family proceedings in—
 - (a) the High Court,
 - (b) county courts, and
 - (c) magistrates' courts.
- (2) Family Procedure Rules are to be made by a committee known as the Family Procedure Rule Committee.
- (3) “Family proceedings”, in relation to a court, means proceedings in that court which are family proceedings as defined by either—
 - (a) section 65 of the 1980 Act, or
 - (b) section 32 of the Matrimonial and Family Proceedings Act 1984 (c. 42).
- (4) The power to make Family Procedure Rules includes power to make different provision for different areas, including different provision—
 - (a) for a specified court or description of courts, or
 - (b) for specified descriptions of proceedings or a specified jurisdiction.
- (5) Any power to make or alter Family Procedure Rules is to be exercised with a view to securing that—
 - (a) the family justice system is accessible, fair and efficient, and
 - (b) the rules are both simple and simply expressed.

Commencement Information

- 14** S. 75 partly in force; s. 75 not in force at Royal Assent see s. 110(1)(2); s. 75 in force for certain purposes at 7.10.2005 by [S.I. 2005/2744](#), [art. 2\(2\)\(a\)](#) (with [arts. 2\(1\), 3](#))

76 Further provision about scope of Family Procedure Rules **E+W**

- (1) Family Procedure Rules may not be made in respect of matters which may be dealt with in probate rules made by the President of the Family Division, with the concurrence of the Lord Chancellor, under section 127 of the 1981 Act.
- (2) Family Procedure Rules may —
 - (a) modify or exclude the application of any provision of the County Courts Act 1984 (c. 28), and
 - (b) provide for the enforcement in the High Court of orders made in a divorce county court.^[F2] or civil partnership proceedings county court (within the meaning of Part 5 of the Matrimonial and Family Proceedings Act 1984)]
- ^[F3](2A) Family Procedure Rules may, for the purposes of the law relating to contempt of court, authorise the publication in such circumstances as may be specified of information relating to family proceedings held in private.]
- (3) Family Procedure Rules may modify the rules of evidence as they apply to family proceedings in any court within the scope of the rules.

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- (4) Family Procedure Rules may apply any rules of court (including in particular Civil Procedure Rules) which relate to—
 - (a) courts which are outside the scope of Family Procedure Rules, or
 - (b) proceedings other than family proceedings.
- (5) Any rules of court, not made by the Family Procedure Rule Committee, which apply to proceedings of a particular kind in a court within the scope of Family Procedure Rules may be applied by Family Procedure Rules to family proceedings in such a court.
- (6) In subsections (4) and (5) “rules of court” includes any provision governing the practice and procedure of a court which is made by or under an enactment.
- (7) Where Family Procedure Rules may be made by applying other rules, the other rules may be applied—
 - (a) to any extent,
 - (b) with or without modification, and
 - (c) as amended from time to time.
- (8) Family Procedure Rules may, instead of providing for any matter, refer to provision made or to be made about that matter by directions.

Textual Amendments

- F2** Words in s. 76(2)(b) inserted (15.4.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 261(1), [Sch. 27 para. 172](#); [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#)
- F3** S. 76(2A) inserted (12.4.2005) by [Children Act 2004 \(c. 31\)](#), [s. 62\(7\)](#); [S.I. 2005/847](#), [art. 2](#)

Commencement Information

- I5** S. 76 partly in force; s. 76 not in force at Royal Assent see s. 110(1)(2); s. 76 in force for certain purposes at 7.10.2005 by [S.I. 2005/2744](#), [art. 2\(2\)\(b\)](#) (with [arts. 2\(1\), 3](#))

77 Family Procedure Rule Committee E+W

- (1) The Family Procedure Rule Committee is to consist of—
 - (a) the President of the Family Division, and
 - (b) the persons currently appointed by the Lord Chancellor under subsection (2).
- (2) The Lord Chancellor must appoint—
 - (a) two judges of the Supreme Court, at least one of whom must be a puisne judge attached to the Family Division,
 - (b) one Circuit judge,
 - (c) one district judge of the principal registry of the Family Division,
 - (d) one district judge appointed under section 6 of the County Courts Act 1984 (c. 28),
 - (e) one District Judge (Magistrates' Courts),
 - (f) one lay justice,
 - (g) one justices' clerk,
 - (h) one person who has—
 - (i) a Supreme Court qualification, and
 - (ii) particular experience of family practice in the High Court,

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- (i) one person who has—
 - (i) a Supreme Court qualification, and
 - (ii) particular experience of family practice in county courts,
 - (j) one person who has—
 - (i) a Supreme Court qualification, and
 - (ii) particular experience of family practice in magistrates' courts,
 - (k) one person who—
 - (i) has been granted by an authorised body, under Part 2 of the 1990 Act, the right to conduct litigation in relation to all proceedings in the Supreme Court, and
 - (ii) has particular experience of family practice in the High Court,
 - (l) one person who—
 - (i) has been so granted that right, and
 - (ii) has particular experience of family practice in county courts,
 - (m) one person who—
 - (i) has been so granted that right, and
 - (ii) has particular experience of family practice in magistrates' courts,
 - (n) one person nominated by CAF/CASS, and
 - (o) one person with experience in and knowledge of the lay advice sector or the system of justice in relation to family proceedings.
- (3) Before appointing a person under subsection (2), the Lord Chancellor must consult the President of the Family Division.
- (4) Before appointing a person under subsection (2)(a), the Lord Chancellor must consult the Lord Chief Justice.
- (5) Before appointing a person under subsection (2)(h) to (m), the Lord Chancellor must consult any body which—
 - (a) has members eligible for appointment under the provision in question, and
 - (b) is an authorised body for the purposes of section 27 or 28 of the 1990 Act.
- (6) The Lord Chancellor may reimburse the members of the Family Procedure Rule Committee their travelling and out-of-pocket expenses.

78 Power to change certain requirements relating to Committee **E+W**

- (1) The Lord Chancellor may by order—
 - (a) amend section 77(2) (persons to be appointed to Committee by Lord Chancellor), and
 - (b) make consequential amendments in any other provision of section 77.
- (2) Before making an order under this section the Lord Chancellor must consult the President of the Family Division.

79 Process for making Family Procedure Rules **E+W**

- (1) The Family Procedure Rule Committee must, before making Family Procedure Rules—
 - (a) consult such persons as they consider appropriate, and

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- (b) meet (unless it is inexpedient to do so).
- (2) Rules made by the Family Procedure Rule Committee must be—
 - (a) signed by a majority of the members of the Committee, and
 - (b) submitted to the Lord Chancellor.
- (3) The Lord Chancellor may allow, disallow or alter rules so made.
- (4) Before altering rules so made the Lord Chancellor must consult the Committee.
- (5) Rules so made, as allowed or altered by the Lord Chancellor—
 - (a) come into force on such day as the Lord Chancellor directs, and
 - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.
- (6) Subject to subsection (7), a statutory instrument containing Family Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A statutory instrument containing rules altered by the Lord Chancellor is of no effect unless approved by a resolution of each House of Parliament before the day referred to in subsection (5)(a).

Commencement Information

I6 S. 79 partly in force; s. 79 not in force at Royal Assent see s. 110(1)(2); s. 79 in force for certain purposes at 7.10.2005 by [S.I. 2005/2744](#), [art. 2\(2\)\(c\)](#) (with [arts. 2\(1\), 3](#))

VALID FROM 03/04/2006

[^{F4}79A Rules to be made if required by Lord Chancellor E+W

- (1) This section applies if the Lord Chancellor gives the Family Procedure Rules Committee written notice that he thinks it is expedient for Family Procedure Rules to include provision that would achieve a purpose specified in the notice.
- (2) The Committee must make such rules as it considers necessary to achieve the specified purpose.
- (3) Those rules must be—
 - (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
 - (b) made in accordance with section 79.]

Textual Amendments

F4 S. 79A inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 342](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 4 para. 11\(aa\)](#)

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80 Power to amend legislation in connection with the rules **E+W**

The Lord Chancellor may by order amend, repeal or revoke any enactment to the extent that he considers necessary or desirable—

- (a) in order to facilitate the making of Family Procedure Rules, or
- (b) in consequence of section 75, 76 or 79 or Family Procedure Rules.

Commencement Information

- I7** S. 80 partly in force; s. 80 not in force at Royal Assent see s. 110(1)(2); s. 80 in force for certain purposes at 7.10.2005 by [S.I. 2005/2744](#), [art. 2\(2\)\(d\)](#) (with [arts. 2\(1\), 3](#))

81 Practice directions relating to family proceedings **E+W**

- (1) The President of the Family Division may, with the concurrence of the Lord Chancellor, give directions as to the practice and procedure of—
 - (a) county courts, and
 - (b) magistrates' courts,in family proceedings.
- (2) Directions as to the practice and procedure of those courts in family proceedings may not be given by anyone other than the President of the Family Division without the approval of the President of the Family Division and the Lord Chancellor.
- (3) The power to give directions under subsection (1) includes power—
 - (a) to vary or revoke directions as to the practice and procedure of magistrates' courts and county courts (or any of them) in family proceedings, whether given by the President of the Family Division or any other person,
 - (b) to give directions containing different provision for different cases (including different areas), and
 - (c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.

Civil Procedure Rules

PROSPECTIVE

82 Civil Procedure Rules **E+W**

- (1) For section 1(3) of the 1997 Act (general objectives of Civil Procedure Rules) substitute—
 - “(3) Any power to make or alter Civil Procedure Rules is to be exercised with a view to securing that—
 - (a) the system of civil justice is accessible, fair and efficient, and
 - (b) the rules are both simple and simply expressed.”
- (2) “The 1997 Act” means the Civil Procedure Act 1997 (c. 12).

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83 Civil Procedure Rule Committee **E+W**

- (1) For section 2(1)(a) and (b) of the 1997 Act (ex officio members of the Committee) substitute—
- “(aa) the Head of Civil Justice,
 - (ab) the Deputy Head of Civil Justice (if there is one),
 - (a) the Master of the Rolls (unless he holds an office mentioned in paragraph (aa) or (ab)), and”.
- (2) For section 2(2)(a) of the 1997 Act (one judge of the Supreme Court to be appointed to Committee) substitute—
- “(a) either two or three judges of the Supreme Court.”.
- (3) For section 2(2)(g) and (h) of the 1997 Act (appointment of persons with experience etc. of lay advice sector and consumer affairs) substitute “and
- (g) two persons with experience in and knowledge of the lay advice sector or consumer affairs.”

84 Power to change certain requirements relating to Committee **E+W**

After section 2 of the 1997 Act insert—

“2A Power to change certain requirements relating to Committee

- (1) The Lord Chancellor may by order—
- (a) amend section 2(2) (persons to be appointed to Committee by Lord Chancellor), and
 - (b) make consequential amendments in any other provision of section 2.
- (2) Before making an order under this section the Lord Chancellor must consult—
- (a) the Head of Civil Justice,
 - (b) the Deputy Head of Civil Justice (if there is one), and
 - (c) the Master of the Rolls (unless he holds an office mentioned in paragraph (a) or (b)).
- (3) The power to make an order under this section is exercisable by statutory instrument.
- (4) A statutory instrument containing such an order is subject to annulment in pursuance of a resolution of either House of Parliament.”

PROSPECTIVE

85 Process for making Civil Procedure Rules **E+W**

- (1) Omit section 2(6) to (8) of the 1997 Act (process for making Civil Procedure Rules).
- (2) For section 3 of the 1997 Act (section 2: supplementary) substitute—

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“3 Process for making Civil Procedure Rules

- (1) The Civil Procedure Rule Committee must, before making Civil Procedure Rules—
 - (a) consult such persons as they consider appropriate, and
 - (b) meet (unless it is inexpedient to do so).
- (2) Rules made by the Civil Procedure Rule Committee must be—
 - (a) signed by a majority of the members of the Committee, and
 - (b) submitted to the Lord Chancellor.
- (3) The Lord Chancellor may allow, disallow or alter rules so made.
- (4) Before altering rules so made the Lord Chancellor must consult the Committee.
- (5) Rules so made, as allowed or altered by the Lord Chancellor—
 - (a) come into force on such day as the Lord Chancellor directs, and
 - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 applies as if the instrument contained rules made by a Minister of the Crown.
- (6) Subject to subsection (7), a statutory instrument containing Civil Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A statutory instrument containing rules altered by the Lord Chancellor is of no effect unless approved by a resolution of each House of Parliament before the day referred to in subsection (5)(a).”

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Changes to legislation:

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