



Courts Act 2003

2003 CHAPTER 39

PART 7

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”

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.
- [^{F1}(c) the High Court in relation to its jurisdiction under the Extradition Act 2003.]

Textual Amendments

- F1 S. 68(c) inserted (6.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 174\(1\), 185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/2454, [art. 4](#)

69 Criminal Procedure Rules

- (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.

Status: Point in time view as at 06/04/2020. This version of this part contains provisions that are prospective.

Changes to legislation: Courts Act 2003, Part 7 is up to date with all changes known to be in force on or before 31 July 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)

- (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.
- (4) Any power to make ^{F2}. . . 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.

Textual Amendments

F2 Words in s. 69(4) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, Sch. 4 para. 332(2), [Sch. 18 Pt. 2](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 11(aa), 30(b)

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

- (1) The Criminal Procedure Rule Committee is to consist of—
 - (a) the Lord Chief Justice, and
 - ^{F3}(b) the persons currently appointed in accordance with subsections (1A) and (1B).]
- ^{F4}(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (e) of subsection (2).
- (1B) The Lord Chancellor must appoint the persons falling within paragraphs (f) to (k) of subsection (2).]
- (2) ^{F5}The persons to be appointed in accordance with subsections (1A) and (1B) are]—
 - (a) a person nominated by the ^{F6}Lord Chancellor],
 - (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,
 - ^{F7}(f) one person authorised under section 28(1) (authorisation to provide legal advice to justices of the peace).]
 - (g) the Director of Public Prosecutions or a person nominated by the Director,
 - (h) two persons who have a ^{F8}Senior Courts] qualification and who have particular experience of practice in criminal courts,
 - (i) two persons who—
 - (i) have been ^{F9}authorised by a relevant approved regulator] to conduct litigation in relation to all proceedings in the ^{F8}Senior Courts], and
 - (ii) have particular experience of practice in criminal courts,

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- (j) one person who appears to represent [^{F10}the National Police Chiefs' Council],
and
- (k) two persons who appear to represent voluntary organisations with a direct
interest in the work of criminal courts.

[^{F11}(2A) In subsection (2)(i)(i) “relevant approved regulator” is to be construed in accordance
with section 20(3) of the Legal Services Act 2007.]

[^{F12}(3) Before appointing a person in accordance with subsection (1A), [^{F13}other than a
person falling within subsection (2)(a),] the Lord Chief Justice must consult the Lord
Chancellor.

(3A) Before appointing a person in accordance with subsection (1B), 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.

[^{F14}(4A) A person falling within subsection (2)(f) exercising a function as a member of the
Criminal Procedure Rule Committee is not subject to the direction of the Lord
Chancellor or any other person when exercising the function.]

(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.

[^{F15}(5A) The Lord Chief Justice may nominate a judicial office holder (as defined in
section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under
this section.]

(6) “The 1990 Act” means the Courts and Legal Services Act 1990 (c. 41).

Textual Amendments

- F3** S. 70(1)(b) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 333\(2\)](#);
[S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)
- F4** S. 70(1A)(1B) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 333\(3\)](#);
[S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)
- F5** Words in s. 70(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 333\(4\)](#);
[S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)
- F6** Words in s. 70(2)(a) substituted (22.8.2007) by [The Secretary of State for Justice Order \(S.I. 2007/2128\)](#),
art. 8, {[Sch. para. 8\(2\)\(a\)](#)}
- F7** S. 70(2)(f) substituted (6.4.2020) by [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\)](#),
s. 4(3), [Sch. para. 33\(2\)](#); [S.I. 2020/24](#), reg. 3(b)
- F8** Words in s. 70 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 4](#);
[S.I. 2009/1604, art. 2](#)
- F9** Words in s. 70(2)(i)(i) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 208, 211, Sch. 21 para. 143\(a\)](#)
(with [ss. 29, 192, 193](#)); [S.I. 2009/3250, art. 2\(h\)](#) (with [art. 9](#))
- F10** Words in s. 70(2)(j) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already
in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 14 paras. 6, 7\(f\)](#); [S.I. 2017/399, Sch. para. 41](#)
- F11** S. 70(2A) inserted (1.1.2010) by [Legal Services Act 2007, ss. 208, 211\(2\), {Sch. 21 para. 143\(b\)}](#)
(with [ss. 29, 192, 193](#)); [S.I. 2009/3250, art. 2\(h\)](#) (with [art. 9](#))

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- F12** S. 70(3)(3A) substituted (3.4.2006) for s. 70(3) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 333\(5\); S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)
- F13** Words in s. 70(3) inserted (28.8.2007) by The Secretary of State for Justice Order (S.I. 2007/2128), art. 8, {Sch. para. 8(2)(b)}
- F14** S. 70(4A) inserted (6.4.2020) by [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\), s. 4\(3\), Sch. para. 33\(3\); S.I. 2020/24, reg. 3\(b\)](#)
- F15** S. 70(5A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 333\(6\); S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)

Modifications etc. (not altering text)

- C2** S. 70(2)(a): functions transferred (22.8.2007) by virtue of The Secretary of State for Justice Order 2007/2128, {art. 4(1)(b)} (with art. 7)

71 Power to change certain requirements relating to Committee

- (1) The Lord Chancellor may by order—
- [^{F16}(a) amend section 70(2) or (3A), and]
- (b) make consequential amendments in any other provision of section 70.
- [^{F17}(2) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.
- (3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F16** S. 71(1)(a) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 334\(2\); S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)
- F17** S. 71(2)(3) substituted (3.4.2006) for s. 71(2) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 334\(3\); S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)

72 Process for making Criminal Procedure Rules

- (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.
- [^{F18}(3) The Lord Chancellor may ^{F19} . . . allow or disallow rules so made.
- (4) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so.]
- (5) Rules so made [^{F20}and allowed] by the Lord Chancellor—
- (a) come into force on such day as the Lord Chancellor directs, and

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- (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)^{F21} . . . a statutory instrument containing Criminal Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7)^{F22}

Textual Amendments

- F18** S. 72(3)(4) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 335\(2\); S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)
- F19** Words in s. 72(3) omitted (22.8.2007) by virtue of The Secretary of State for Justice Order (S.I. 2007/2128), art. 8, {Sch. para. 8(3)}
- F20** Words in s. 72(5) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 335\(3\); S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)
- F21** Words in s. 72(6) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 146, Sch. 18 Pt. 2; S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 30\(b\)](#)
- F22** S. 72(7) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 146, Sch. 18 Pt. 2; S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 30\(b\)](#)

Modifications etc. (not altering text)

- C3** S. 72(3): functions transferred (22.8.2007) by virtue of The Secretary of State for Justice Order (S.I. 2007/2128), {art. 4(1)(b)} (with art. 7)

Commencement Information

- I2** 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](#))

[^{F23}**72A Rules to be made if required by Lord Chancellor**

- (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.
- (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)^{F24}]

Textual Amendments

- F23** 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\(aa\)](#)
- F24** s. 72A(4) omitted (22.8.2007) by virtue of The Secretary of State for Justice Order 2007/2828, art. 8, {Sch. para. 8(4)}

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Modifications etc. (not altering text)

- C4** S. 72A(4): functions transferred (22.8.2007) by virtue of The Secretary of State for Justice Order (S.I. 2007/2128), {art. 4(1)(b)} (with art. 7)

73 Power to amend legislation in connection with the rules

^{F25}(1) The Lord Chancellor may, ^{F26} . . . ^{F26} [^{F27} . . . after consulting the Lord Chief Justice] , 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.

[^{F28}(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F25** S. 73 renumbered as s. 73(1) (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 337(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F26** Words in s. 73(1) omitted (22.8.2007) by virtue of The Secretary of State for Justice Order (S.I. 2007/2128), art. 8, {Sch. para. 8(5)}
- F27** Words in s. 73(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 337(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F28** S. 73(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 337(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

Modifications etc. (not altering text)

- C5** S. 73(1): functions transferred (22.8.2007) by virtue of The Secretary of State for Justice Order (S.I. 2007/2128), {art. 4(1)(b)} (with art. 7)

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

- (1) [^{F29}Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005] as to the practice and procedure of the criminal courts.
- (2) Directions as to the practice and procedure of the criminal courts [^{F30} given otherwise than under subsection (1) may not be given without the approval of—
 - (a) the Lord Chancellor, and
 - (b) the Lord Chief Justice.]
- (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 [^{F31} under subsection (1) or otherwise] ,
 - (b) to give directions containing different provision for different cases (including different areas), and

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- (c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.
- [^{F32}(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—
- (a) the application or interpretation of the law;
 - (b) the making of judicial decisions.
- (5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—
- (a) after consulting the Lord Chancellor, and
 - (b) with the approval of the Lord Chief Justice.]

Textual Amendments

- F29** Words in s. 74(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 8\(2\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 7](#)
- F30** Words in s. 74(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 8\(3\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 7](#)
- F31** Words in s. 74(3)(a) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 8\(4\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 7](#)
- F32** S. 74(4)(5) substituted (3.4.2006) for s. 74(4) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 8\(5\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 7](#)

Family Procedure Rules and practice directions

75 Family Procedure Rules

- (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^{F33}...
- ^{F33}(a)
 - ^{F33}(b)
 - ^{F33}(c)
- (2) Family Procedure Rules are to be made by a committee known as the Family Procedure Rule Committee.
- [^{F34}(3) Family proceedings” means—
- (a) proceedings in the family court, and
 - (a) proceedings in the Family Division of the High Court which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other.]
- (4) The power to make Family Procedure Rules includes power to make different provision for [^{F35}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.
- (5) Any power to make ^{F36}. . . Family Procedure Rules is to be exercised with a view to securing that—

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- (a) the family justice system is accessible, fair and efficient, and
- (b) the rules are both simple and simply expressed.

Textual Amendments

F33 Words in s. 75(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 91\(2\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F34 S. 75(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 91\(3\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F35 Words in s. 75(4) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 91\(4\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F36 Words in s. 75(5) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, [Sch. 4 para. 338](#), [Sch. 18 Pt. 2](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 paras. 11\(aa\), 30\(b\)](#)

Commencement Information

I4 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)

I5 S. 75 in force at 12.12.2010 in so far as not already in force by [S.I. 2010/2921](#), [art. 2\(a\)](#)

76 Further provision about scope of Family Procedure Rules

- (1) Family Procedure Rules may not be made in respect of matters which may be dealt with in probate rules made ^{F37} . . . 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), ^{F38} . . .
 - ^{F39}(aa)
 - ^{F40}(b)
- [^{F41}(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 ^{F42}
- (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.

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- (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

- F37** Words in s. 76 omitted (3.4.2006) by virtue of [Constitutional Reform Act 2005 \(c. 4\), s. 12, Sch. 1 para. 29](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 7
- F38** Word in s. 76(2)(a) omitted (6.4.2020) by virtue of [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\), s. 4\(3\), Sch. para. 34\(a\)](#); S.I. 2020/24, reg. 3(b)
- F39** S. 76(2)(aa) omitted (6.4.2020) by virtue of [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\), s. 4\(3\), Sch. para. 34\(b\)](#); S.I. 2020/24, reg. 3(b)
- F40** S. 76(2)(b) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 92\(2\)\(b\)](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F41** S. 76(2A) inserted (12.4.2005) by [Children Act 2004 \(c. 31\), s. 62\(7\)](#); S.I. 2005/847, [art. 2](#)
- F42** Words in s. 76(3) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 92\(3\)](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Commencement Information

- I6** 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](#))
- I7** S. 76 in force at 12.12.2010 in so far as not already in force by [S.I. 2010/2921, art. 2\(b\)](#)

77 Family Procedure Rule Committee

- (1) The Family Procedure Rule Committee is to consist of—
- (a) the President of the Family Division, and
 - ^{F43}(b) the persons currently appointed in accordance with subsections (1A) and (1B).]
- ^{F44}(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (f) of subsection (2).
- (1B) The Lord Chancellor must appoint the persons falling within paragraphs (g) to (o) of subsection (2).]
- (2) ^{F45}The persons to be appointed in accordance with subsections (1A) and (1B) are]—
- (a) two judges of the ^{F46}[Senior Courts], at least one of whom must be a puisne judge attached to the Family Division,
 - (b) one Circuit judge,
 - ^{F47}(ba) one judge of the family court who sits exclusively or primarily in Wales,]
 - ^{F48}(c) one person who is either a district judge of the principal registry of the Family Division or a district judge appointed under section 6 of the County Courts Act 1984,]

Status: Point in time view as at 06/04/2020. This version of this part contains provisions that are prospective.

Changes to legislation: Courts Act 2003, Part 7 is up to date with all changes known to be in force on or before 31 July 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)

- (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,
 - [^{F49}(g) one person authorised under section 31O(1) of the Matrimonial and Family Proceedings Act 1984 (authorisation to provide legal advice to judges of the family court),]
 - (h) one person who has—
 - (i) a [^{F46}Senior Courts] qualification, and
 - (ii) particular experience of family practice in the High Court,
 - ^{F50}(i)
 - (j) one person who has—
 - (i) a [^{F46}Senior Courts] qualification, and
 - (ii) particular experience of family practice in [^{F51}the family court],
 - (k) one person who—
 - (i) has been [^{F52}authorised by a relevant approved regulator] to conduct litigation in relation to all proceedings in the [^{F46}Senior Courts], and
 - (ii) has particular experience of family practice in the High Court,
 - ^{F53}(l)
 - (m) one person who—
 - (i) has been so [^{F54}authorised], and
 - (ii) has particular experience of family practice in [^{F55}the family court],
 - (n) one person nominated by CAFCASS, ^{F56}...
 - [^{F57}(na) one person nominated by the Welsh Ministers to represent the interests of Welsh family proceedings officers (within the meaning given by section 35(4) of the Children Act 2004), 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 [^{F58}in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor and] the President of the Family Division.
- (4) ^{F59}
- (5) Before appointing a person [^{F60}in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice and, if the person falls within any of paragraphs (h) to (m) of subsection (2), must also consult] any body which—
- (a) has members eligible for appointment under the provision in question, and
 - [^{F61}(b) is a relevant approved regulator in relation to the exercise of a right of audience or the conduct of litigation (or both).]
- [^{F62}(5A) A person falling within subsection (2)(g) exercising a function as a member of the Family Procedure Rule Committee is not subject to the direction of the Lord Chancellor or any other person when exercising the function.]
- (6) The Lord Chancellor may reimburse the members of the Family Procedure Rule Committee their travelling and out-of-pocket expenses.
- [^{F63}(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

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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 31 July 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)

[^{F64}(8) In this section “relevant approved regulator” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.]

Textual Amendments

- F43** S. 77(1)(b) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F44** S. 77(1A)(1B) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F45** Words in s. 77(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F46** Words in s. 77 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 4**; S.I. 2009/1604, **art. 2**
- F47** S. 77(2)(ba) inserted (27.3.2017) by The Courts Act 2003 (Amendment) Order 2017 (S.I. 2017/198), arts. 1, **2(a)**
- F48** S. 77(2)(c) substituted (27.3.2017) by The Courts Act 2003 (Amendment) Order 2017 (S.I. 2017/198), arts. 1, **2(b)**
- F49** S. 77(2)(g) substituted (6.4.2020) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 35(2)**; S.I. 2020/24, reg. 3(b)
- F50** S. 77(2)(i) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 93(2)**; S.I. 2014/954, **art. 2(d)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F51** Words in s. 77(2)(j) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 93(3)**; S.I. 2014/954, **art. 2(d)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F52** Words in s. 77(2)(k) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, **Sch. 21 para. 144(2)(a)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)
- F53** S. 77(2)(l) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 93(2)**; S.I. 2014/954, **art. 2(d)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F54** Words in s. 77(2)(l)(m) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, **Sch. 21 para. 144(2)(b)(c)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)
- F55** Words in s. 77(2)(m) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 93(3)**; S.I. 2014/954, **art. 2(d)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F56** Word in s. 77(2)(n) omitted (27.3.2017) by virtue of The Courts Act 2003 (Amendment) Order 2017 (S.I. 2017/198), arts. 1, **2(c)**
- F57** S. 77(2)(na) inserted (27.3.2017) by The Courts Act 2003 (Amendment) Order 2017 (S.I. 2017/198), arts. 1, **2(d)**
- F58** S. 77(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F59** S. 77(4) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 339(6), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 11(aa), 30(b)
- F60** Words in s. 77(5) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(7)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F61** S. 77(5)(b) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, **Sch. 21 para. 144(3)** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)
- F62** S. 77(5A) inserted (6.4.2020) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 35(3)**; S.I. 2020/24, reg. 3(b)
- F63** S. 77(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(8)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

Status: Point in time view as at 06/04/2020. This version of this part contains provisions that are prospective.

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F64 S. 77(8) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 144\(4\)](#) (with ss. 19, 192, 193); [S.I. 2009/3250](#), [art. 2\(h\)](#) (with art. 9)

78 Power to change certain requirements relating to Committee

- (1) The Lord Chancellor may by order—
- (a) amend section 77(2) (persons to be appointed to Committee by Lord Chancellor [^{F65}or Lord Chief Justice]), and
 - (b) make consequential amendments in any other provision of section 77.
- [^{F66}(1A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.]
- (2) Before making an order under this section the Lord Chancellor must consult the President of the Family Division.
- [^{F67}(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F65** Words in s. 78(1)(a) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 340\(2\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(aa\)](#)
- F66** S. 78(1A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 340\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(aa\)](#)
- F67** Words in s. 78(3) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 340\(4\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(aa\)](#)

79 Process for making Family Procedure Rules

- (1) The Family Procedure Rule Committee must, before making Family 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 Family Procedure Rule Committee must be—
- (a) signed by a majority of the members of the Committee, and
 - (b) submitted to the Lord Chancellor.
- [^{F68}(3) The Lord Chancellor may allow or disallow rules so made.
- (4) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so.]
- (5) Rules so made, [^{F69}and allowed] 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.

Status: Point in time view as at 06/04/2020. This version of this part contains provisions that are prospective.

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(6) ^{F70} . . . a statutory instrument containing Family Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) ^{F71}

Textual Amendments

F68 S. 79(3)(4) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 341(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F69 Words in s. 79(5) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 341(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

F70 Words in s. 79(6) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 146, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 30(b)

F71 S. 79(7) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 146, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 30(b)

Commencement Information

I8 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)

I9 S. 79 in force at 12.12.2010 in so far as not already in force by S.I. 2010/2921, **art. 2(c)**

[^{F72}79A Rules to be made if required by Lord Chancellor

(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

F72 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)

80 Power to amend legislation in connection with the rules

^{F73}(1) The Lord Chancellor may [^{F74}, after consulting the Lord Chief Justice,] 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.

[^{F75}(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Status: Point in time view as at 06/04/2020. This version of this part contains provisions that are prospective.

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Textual Amendments

- F73** S. 80 renumbered as s. 80(1) (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 343\(2\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F74** Words in s. 80(1)(a) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 343\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F75** S. 80(2) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 343\(4\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 11(aa)

Commencement Information

- I10** 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](#))
- I11** S. 80 in force at 12.12.2010 in so far as not already in force by [S.I. 2010/2921](#), [art. 2\(d\)](#)

81 Practice directions relating to family proceedings

- (1) [^{F76}Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005] as to the practice and procedure of—
- [^{F77}(za) the civil division of the Court of Appeal [^{F78}in proceedings on appeal from the Family Division of the High Court or from the family court],
 - [^{F79}(zb) the Family Division of the High Court in proceedings which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other, and
 - (aa) the family court.]
- (2) Directions as to the practice and procedure [^{F80}mentioned in subsection (1) which are][^{F81}given otherwise than under subsection (1) may not be given without the approval of—
- (a) the Lord Chancellor, and
 - (b) the Lord Chief Justice.]
- [Directions as to the practice and procedure [^{F83}mentioned in subsection (1)] (whether
- ^{F82}(2A) given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1 to the Civil Procedure Act 1997, may be provided for by Civil Procedure Rules.]
- (3) The power to give directions under subsection (1) includes power—
- (a) to vary or revoke directions as to the practice and procedure [^{F84}mentioned in subsection (1),] whether given [^{F85}under subsection (1) or otherwise],
 - (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.
- [Subsection (2)(a) does not apply to directions to the extent that they consist of guidance
- ^{F86}(4) about any of the following—
- (a) the application or interpretation of the law;
 - (b) the making of judicial decisions.

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- (5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—
- (a) after consulting the Lord Chancellor, and
 - (b) with the approval of the Lord Chief Justice.]

[In this section—
^{F87}(5) “Civil Procedure Rules” has the same meaning as in the Civil Procedure Act 1997;]
^{F88} ...]

Textual Amendments

- F76** Words in s. 81(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 9\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 7
- F77** S. 81(1)(za)(zb) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 344\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F78** Words in s. 81(1)(za) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 94\(2\)\(a\)](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F79** S. 81(1)(zb)(aa) substituted for words in s. 81(1) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 94\(2\)\(b\)](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F80** Words in s. 81(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 94\(3\)](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F81** Words in s. 81(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 9\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 7
- F82** S. 81(2A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 344\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F83** Words in s. 81(2A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 94\(4\)](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F84** Words in s. 81(3)(a) substituted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 94\(5\)](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F85** Words in s. 81(3)(a) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 9\(4\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 7
- F86** S. 81(4)(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 9\(5\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 7
- F87** S. 81(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 344\(5\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F88** Words in s. 81(5) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 94\(6\)](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Civil Procedure Rules

PROSPECTIVE

82 Civil Procedure Rules

(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).

83 Civil Procedure Rule Committee

(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 [^{F89}Senior Courts] 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.”

Textual Amendments

F89 Words in s. 83 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 4](#); [S.I. 2009/1604](#), [art. 2](#)

84 Power to change certain requirements relating to Committee

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.

Status: Point in time view as at 06/04/2020. This version of this part contains provisions that are prospective.

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- (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

- (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—

“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).”

Status: Point in time view as at 06/04/2020. This version of this part contains provisions that are prospective.

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f^{F90}Use of live video or audio links: public participation & offences of recording etc

Textual Amendments

F90 Ss. 85A-85D and cross-heading inserted (temp.) (25.3.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 25 para. 1](#) (with [ss. 88-90](#)) (which affecting provision is continued until 25.9.2022 by [S.I. 2022/362](#), [regs. 1\(2\), 2](#); but then repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 201\(2\), 208\(1\)](#))

85A Enabling the public to see and hear proceedings

- (1) If the court directs that proceedings are to be conducted wholly as video proceedings, the court—
 - (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to see and hear the proceedings;
 - (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court to keep an audio-visual record of the proceedings.
- (2) If the court directs that proceedings are to be conducted wholly as audio proceedings, the court—
 - (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to hear the proceedings;
 - (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court to keep an audio record of the proceedings.
- (3) A direction under this section may relate to the whole, or to part, of the proceedings concerned.

85B Offences of recording or transmission in relation to broadcasting

- (1) It is an offence for a person to make, or attempt to make—
 - (a) an unauthorised recording, or
 - (b) an unauthorised transmission,
 of an image or sound which is being broadcast in accordance with a direction under section 85A.
- (2) It is an offence for a person to make, or attempt to make—
 - (a) an unauthorised recording, or
 - (b) an unauthorised transmission,
 of an image of, or sound made by, another person while the other person is viewing or listening to a broadcast made in accordance with a direction under section 85A.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission of the image or sound concerned—
 - (a) he or she was not in designated live-streaming premises, and

Status: Point in time view as at 06/04/2020. This version of this part contains provisions that are prospective.

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- (b) he or she did not know, and could not reasonably have known, that the image or sound was—
 - (i) being broadcast in accordance with a direction under section 85A (in the case of an offence under subsection (1)), or
 - (ii) an image of, or sound made by, another person while viewing or listening to a broadcast made in accordance with a direction under section 85A (in the case of an offence under subsection (2)).
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purposes of this section it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (6) For the purposes of this section a recording or transmission is “unauthorised” unless it is—
 - (a) authorised by a direction under section 85A,
 - (b) otherwise authorised (generally or specifically) by the court in which the proceedings concerned are being conducted, or
 - (c) authorised (generally or specifically) by the Lord Chancellor.

85C Offences of recording or transmitting participation through live link

- (1) It is an offence for a person to make, or attempt to make—
 - (a) an unauthorised recording, or
 - (b) an unauthorised transmission,of an image or sound which is being transmitted through a live video link or transmitted through a live audio link.
- (2) It is an offence for a person (P) to make, or attempt to make—
 - (a) an unauthorised recording, or
 - (b) an unauthorised transmission,of an image of, or sound made by, any person (whether P or another person) while that person is participating in court proceedings through a live video link or a live audio link.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission, he or she did not know, and could not reasonably have known, that the image or sound concerned—
 - (a) was being transmitted through a live video link or through a live audio link (in the case of an offence under subsection (1)), or
 - (b) was an image of, or sound made by, a person while that person was participating in court proceedings through a live video link or a live audio link (in the case of an offence under subsection (2)).
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purposes of this section it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.

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- (6) For the purposes of this section a recording or transmission is “unauthorised” unless it is—
- (a) authorised (generally or specifically) by the court in which the proceedings concerned are being conducted, or
 - (b) authorised (generally or specifically) by the Lord Chancellor.

85D Interpretation

- (1) This section applies for the purposes of sections 85A to 85C (and this section).
- (2) The following expressions have the meanings given—
 - “court” means—
 - (a) the Court of Appeal;
 - (b) the High Court;
 - (c) the Crown Court;
 - (d) the county court;
 - (e) the family court;
 - (f) a magistrates' court;
 - “court proceedings” means any proceedings in any court;
 - “designated live-streaming premises” means premises that are designated by the Lord Chancellor for the purposes of this section as premises provided by the Lord Chancellor for the purpose of enabling members of the public to see and hear, or hear, proceedings that are broadcast in accordance with directions under section 85A;
 - “recording” means a recording on any medium—
 - (a) of a single image, a moving image or any sound, or
 - (b) from which a single image, a moving image or any sound may be produced or reproduced;
 - “transmission” means any transmission by electronic means of a single image, a moving image or any sound (and “transmitted” is to be construed accordingly).
- (3) A “live video link”, in relation to a person (P) taking part in proceedings, is a live television link or other arrangement which—
 - (a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and
 - (b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P.
- (4) Proceedings are conducted wholly as video proceedings if—
 - (a) directions have been given, whether under section 51 of the Criminal Justice Act 2003 or any other power, for all of the persons taking part in the proceedings to do so through a live video link, and
 - (b) all of those persons take part in the proceedings in accordance with those directions.
- (5) A “live audio link”, in relation to a person (P) taking part in proceedings, is a live telephone link or other arrangement which—
 - (a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and

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- (b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P.
- (6) Proceedings are conducted wholly as audio proceedings if—
- (a) directions have been given under section 51 of the Criminal Justice Act 2003 for all of the persons taking part in the proceedings to do so through a live audio link, and
 - (b) all of those persons take part in the proceedings in accordance with those directions.
- (7) An image or sound is transmitted—
- (a) through a live video link if it is transmitted as part of a person's participation in court proceedings through a live video link;
 - (b) through a live audio link if it is transmitted as part of a person's participation in court proceedings through a live audio link.]

Status:

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Changes to legislation:

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