
STATUTORY INSTRUMENTS

2000 No. 2093 (L. 17)

SUPREME COURT OF ENGLAND AND WALES

The Crown Court (Amendment) Rules 2000

Made - - - - *25th July 2000*
Laid before Parliament *2nd August 2000*
Coming into force - - *4th September 2000*

We, the Crown Court Rule Committee, in exercise of the powers conferred upon us by sections 84(1) and 86 of the Supreme Court Act 1981⁽¹⁾ and sections 38(6) and 65 of the Youth Justice and Criminal Evidence Act 1999⁽²⁾, hereby make the following Rules:

Citation and commencement

1. These Rules may be cited as the Crown Court (Amendment) Rules 2000 and shall come into force on 4th September 2000.

Amendment of the Crown Court Rules 1982

2. After rule 24A of the Crown Court Rules 1982⁽³⁾, there shall be inserted the following rules:

“Restrictions on cross-examination of witness

24B.—(1) This rule and rules 24C and 24D apply where an accused is prevented from cross-examining a witness in person by virtue of section 34 or 35 of the 1999 Act.

(2) The Court shall explain to the accused as early in the proceedings as is reasonably practicable that he—

- (a) is prevented from cross-examining a witness in person; and
- (b) should arrange for a legal representative to act for him for the purpose of cross-examining the witness.

(3) The accused shall notify the appropriate officer of the Court within 7 days of the Court giving its explanation, or within such other period as the Court may in any particular case allow, of the action, if any, he has taken.

(1) 1981 c. 54.
(2) 1999 c. 23.
(3) S.I.1982/1109; the relevant amending Instrument is S.I. 1989/1103.

(4) Where he has arranged for a legal representative to act for him, the notification shall include details of the name and address of the representative.

(5) The notification shall be in writing.

(6) The appropriate officer of the Court shall notify all other parties to the proceedings of the name and address of the person, if any, appointed to act for the accused.

(7) Where the Court gives its explanation under paragraph (2) to the accused either within 7 days of the day set for the commencement of any hearing at which a witness in respect of whom a prohibition under section 34 or 35 of the 1999 Act applies may be cross-examined or after such a hearing has commenced, the period of 7 days shall be reduced in accordance with any directions issued by the Court.

(8) Where at the end of the period of 7 days or such other period as the Court has allowed, the Court has received no notification from the accused it may grant the accused an extension of time, whether on its own motion or on the application of the accused.

(9) Before granting an extension of time, the Court may hold a hearing at which all parties to the proceedings may attend and be heard.

(10) Any extension of time shall be of such period as the Court considers appropriate in the circumstances of the case.

(11) The decision of the Court as to whether to grant the accused an extension of time shall be notified to all parties to the proceedings by the appropriate officer of the Court.

Appointment by the Court

24C.—(1) Where the Court decides, in accordance with section 38(4) of the 1999 Act, to appoint a qualified legal representative, the appropriate officer of the Court shall notify all parties to the proceedings of the name and address of the representative.

(2) An appointment made by the Court under section 38(4) of the 1999 Act shall, except to such extent as the Court may in any particular case determine, terminate at the conclusion of the cross-examination of the witness or witnesses in respect of whom a prohibition under section 34 or 35 of the 1999 Act applies.

Appointment arranged by the accused

24D.—(1) The accused may arrange for the qualified legal representative, appointed by the Court under section 38(4) of the 1999 Act, to be appointed to act for him for the purpose of cross-examining any witness in respect of whom a prohibition under section 34 or 35 of the 1999 Act applies.

(2) Where such an appointment is made—

(a) both the accused and the qualified legal representative appointed shall notify the Court of the appointment; and

(b) the qualified legal representative shall, from the time of his appointment, act for the accused as though the arrangement had been made under section 38(2) (a) of the 1999 Act and shall cease to be the representative of the Court under section 38(4) of that Act.

(3) Where the Court receives notification of the appointment either from the qualified legal representative or from the accused but not from both, the Court shall investigate whether the appointment has been made, and if it concludes that the appointment has not been made, paragraph (2)(b) shall not apply.

(4) An accused may, notwithstanding an appointment by the Court under section 38(4) of the 1999 Act, arrange for a legal representative to act for him for the purpose of cross-examining any witness in respect of whom a prohibition under section 34 or 35 applies.

(5) Where the accused arranges for, or informs the Court of his intention to arrange for, a legal representative to act for him, he shall notify the Court, within such period as the Court may allow, of the name and address of any person appointed to act for him.

(6) Where the Court is notified within the time allowed that such an appointment has been made, any qualified legal representative appointed by the Court in accordance with section 38(4) of the 1999 Act shall be discharged.

(7) The appropriate officer of the Court shall, as soon as reasonably practicable after the Court receives notification of an appointment under this rule or, where paragraph (3) applies, after the Court is satisfied that the appointment has been made, notify all the parties to the proceedings—

- (a) that the appointment has been made;
- (b) where paragraph (4) applies, of the name and address of the person appointed; and
- (c) that the person appointed by the Crown Court under section 38(4) of the 1999 Act has been discharged or has ceased to act for the Court.

(8) In rule 24B, 24C and this rule, “the 1999 Act” means the Youth Justice and Criminal Evidence Act 1999(4).”.

*Irvine of Lairg, C.
Harry Woolf, C. J.
L. Dickinson
Charles Harris
Master Mckenzie*

Dated 25th July 2000

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules, which amend the Crown Court Rules 1982, make provision as to the time when and the manner in which a legal representative is to be appointed to act for the accused for the purposes of cross-examining witnesses. They also contain provisions relating to the appointment by the Crown Court of a qualified legal representative where the accused fails to appoint a legal representative to act for him.