
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules contain provisions relating to applications made in magistrates' courts for a special measures direction and replace similar provisions in the Magistrates' Courts (Children and Young Persons) Rules 1992. Provisions relating to special measures directions are contained in Part II of the Youth Justice and Criminal Evidence Act 1999.

Rule 2 provides for an application for a special measures direction to be made in the form specified in the Schedule to the Rules or a form to the like effect. Applications for a direction to give evidence by means of a live television link or by means of a video recording of the witness's testimony must provide the additional information specified in Part B or Part C of the form. Rule 3 makes provision for extending the time for making an application for a special measures direction and rule 4 provides for late applications.

Rule 5 provides for an application to be made to vary or discharge a special measures direction which has already been made. Rule 6 provides for renewal applications where a material change of circumstances has occurred since an application was refused.

Additional requirements are imposed where the application relates either to the giving of evidence by means of a live television link (rule 7) or the admission of a video recording of an interview of the witness as evidence in chief of the witness (rule 8).

Rule 9 provides for the mutual disclosure between the parties of expert evidence to be adduced in connection with the application for the special measures direction.

Rule 10 contains revocations.