

**EXPLANATORY MEMORANDUM TO  
THE CRIMINAL PROCEDURE RULE COMMITTEE (AMENDMENT OF  
CONSTITUTION) ORDER 2005**

**2005 No. 2625**

1. This Explanatory Memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1. This Order alters the constitution of the Criminal Procedure Rule Committee, as laid down in section 70 of the Courts Act 2003. It will allow a judge of the High Court who is not a puisne judge, and an ex officio, as opposed to an ordinary, judge of the Court Of Appeal to be appointed to the Committee under section 70(2)(b) of the Act. The Order is made in exercise of the powers conferred on the Lord Chancellor under section 71 of the Act and will come into force on [ ] October 2005.

**3. Matters of special interest to the Joint Committee on Statutory Instruments and the Select Committee on Statutory Instruments**

3.1. None.

**4. Legislative Background**

4.1. Sections 69 to 74 of the Courts Act 2003 established the new Criminal Procedure Rule Committee, with power to make rules governing the practice and procedure in the criminal courts. The first rules to be made by that Committee came into force on 4<sup>th</sup> April 2005.

4.2. Section 70(2)(b) of the Courts Act 2003 currently provides that the Lord Chancellor must appoint to the committee “three persons each of whom is either a puisne judge of the High Court or an ordinary judge of the Court of Appeal”.

**5. Extent**

5.1. This instrument applies to England and Wales.

**6. European Convention on Human Rights**

6.1. No statement is required.

**7. Policy objectives**

7.1. This Order will remove an unnecessary bar to certain suitable candidates being appointed to the Criminal Procedure Rule Committee.

**8. Impact**

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

**9. Contact**

9.1. Jane Brown at the Secretariat to the Criminal Procedure Rule Committee can answer any queries regarding the instrument. Her contact details are:

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