
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 29

SPECIAL MEASURES DIRECTIONS

Late applications

- 29.3.**—(1) Notwithstanding the requirements of rule 29.1—
- (a) an application may be made for a special measures direction orally at the trial; or
 - (b) a magistrates' court or the Crown Court may of its own motion raise the issue whether a special measures direction should be given.
- (2) Where an application is made in accordance with paragraph (1)(a)—
- (a) the applicant must state the reasons for the late application; and
 - (b) the court must be satisfied that the applicant was unable to make the application in accordance with rule 29.1.
- (3) The court shall determine before making a special measures direction—
- (a) whether to allow other parties to the proceedings to make representations on the question;
 - (b) the time allowed for making such representations (if any); and
 - (c) whether the question should be determined following a hearing at which the parties to the proceedings may be heard.
- (4) Paragraphs (2) and (3) do not apply in respect of an application made orally at the trial for a special measures direction—
- (a) enabling a child witness in need of special protection to give evidence by means of a live link; or
 - (b) enabling a video recording of such a child to be admitted as evidence in chief of the witness, if the opposition is that the special measures direction will not maximise the quality of the witness's evidence.

[Note. Formerly rule 4 of the Magistrates' Courts (Special Measures Directions) Rules 2002 and rule 4 of the Crown Court (Special Measures Directions and Directions Prohibiting Cross-examination) Rules 2002.]