

**EXPLANATORY MEMORANDUM TO THE
CRIMINAL PROCEDURE RULES 2005**

2005 No. 384 (L.4)

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

These Rules govern the practice and procedure to be followed in the criminal courts—*i.e.* the criminal division of the Court of Appeal and (when dealing with any criminal cause or matter) the Crown Court and magistrates' courts.

The Rules are made by the Criminal Procedure Rule Committee in exercise of the powers conferred under section 69 of the Courts Act 2003. They are allowed by the Lord Chancellor, with the concurrence of the Secretary of State for the Home Department, under section 72 of that Act, and will come into force on 4 April 2005.

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

None.

4. Legislative Background

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. Section 69(4) requires that power to be exercised with a view to securing that the criminal justice system is accessible, fair and efficient, and that the rules are both simple and simply expressed. Those provisions, which follow the recommendations of Sir Robin Auld in the *Review of the Criminal Courts of England and Wales*, aim towards a common set of rules, accessible to the court user, for all levels of criminal jurisdiction.

These Rules are the first rules to be made by the Criminal Procedure Rule Committee and they represent an essential first step towards the creation of a new, consolidated criminal procedural code. The main body of the Rules is a consolidation of existing rules of court, which are for the time being re-enacted as Criminal Procedure Rules without any substantial changes. New rules in Part 1 lay down an overriding objective that the courts, and every party to a criminal case, must pursue. New rules in Part 3 give courts explicit powers to actively manage the preparation for, and conduct of, criminal cases.

5. Extent

This instrument applies to England and Wales.

6. European Convention on Human Rights

Not applicable.

7. Policy objectives

These Rules bring together in one place—for the first time—the various rules of court that presently govern the practice and procedure to be followed in the criminal courts. The new rules, in Parts 1 and 3 of the Criminal Procedure Rules, are intended to bring about a culture change in the management of criminal cases by the courts in order to avoid ineffective and wasted hearings. Under these new rules all participants are required to assist in making the case proceed efficiently under the supervision of the court. By adopting and consolidating existing rules of court the transition to this new regime allows cases in progress when the Rules come into force to proceed without disruption.

8. Impact

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

9. Contact

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

Jane Brown
Secretariat to the Criminal Procedure Rule Committee
Department for Constitutional Affairs
1.16, Post point 2.2B
Selborne House
54-60, Victoria Street
London SW1E 6QW
Tel: 0207 210 8084
Email: jane.brown@dca.gsi.gov.uk