

**EXPLANATORY MEMORANDUM TO  
THE CRIMINAL PROCEDURE (AMENDMENT) RULES 2006**

**2006 No. 353 (L.2)**

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 amend the Criminal Procedure Rules 2005, which 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 and under sections 9(3) and 9A(3) of the Juries Act 1974 (in relation to appeals concerning jury service). They are allowed by the Lord Chancellor, with the concurrence of the Secretary of State for the Home Department, under section 72 of the Courts Act, and will come into force on 3<sup>rd</sup> April 2006.

**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.

**5. Extent**

This instrument applies to England and Wales.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required

## **7. Policy objectives**

These Rules make amendments to the Criminal Procedure Rules (i) in order to accommodate other new criminal justice legislation, identified in the Explanatory Note that accompanies the Rules (amendments to Parts 15, 57, 65 and 68) and (ii) in order further to consolidate and simplify existing rules (amendments to Parts 18, 34, 35, 39 and 66).

## **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**

Jonathan Solly at the secretariat to the Criminal Procedure Rule Committee can answer any queries regarding the instrument. His contact details are:

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