
STATUTORY INSTRUMENTS

2007 No. 699

The Criminal Procedure (Amendment) Rules 2007

Citation, commencement and interpretation

1. These Rules may be cited as the Criminal Procedure (Amendment) Rules 2007 and shall come into force on 2nd April 2007.
2. In these Rules, a reference to a Part or rule by number alone means the Part or rule so numbered in the Criminal Procedure Rules 2005(1).

Revocation of Indictment Rules 1971

3. The Indictment Rules 1971(2) are revoked.

Amendments to the Criminal Procedure Rules 2005

4. After rule 2.1(4) (When the rules apply), insert—
 - “(5) The rules in Part 14 apply in cases in which one of the events listed in sub-paragraphs (a) to (d) of rule 14.1(1) takes place on or after 2nd April 2007. In other cases the rules of court replaced by those rules apply.
 - (6) The rules in Part 28 apply in cases in which an application under rule 28.3 is made on or after 2nd April 2007. In other cases the rules replaced by those rules apply.”
5. For Part 4 (Service of documents), substitute the Part as set out in Schedule 1 to these Rules.
6. In the note after rule 7.5, for “Formerly”, substitute “This rule derives in part from”.
7. In rule 8.2 (Form of notice), omit from “; and, without prejudice” to the end.
8. In the note after rule 8.2, for “Formerly”, substitute “This rule derives in part from”.
9. For Part 14 (The indictment), substitute the Part as set out in Schedule 2 to these Rules.
10. In rule 19.1 (Application to a magistrates' court to vary conditions of police bail)—
 - (a) in paragraph (1)—
 - (i) in the opening words, after “Magistrates' Courts Act of 1980(3)”, insert “or section 47(1E) of the Police and Criminal Evidence Act 1984(4)”, and
 - (ii) for sub-paragraph (c), substitute—
 - “(c) where the applicant has been bailed following charge, specify the offence with which he was charged and, in any other case, specify the offence under investigation;”;
 - (b) in paragraph (2)—

(1) S.I.2005/384; amended by S.I. 2006/353, 2006/2636.

(2) S.I. 1971/1253.

(3) 1980 c. 43.

(4) 1984 (c. 60); section 47(1E) was inserted by section 28 of, and paragraphs 1 and 6 of Schedule 2 to, the Criminal Justice Act 2003 (c. 44).

- (i) in sub-paragraph (a), omit “(if any)”, and
- (ii) in sub-paragraph (b), omit the words from “and, in either case” to the end;
- (c) for paragraph (3), substitute—
 - “(3) The court officer to whom an application is sent under paragraph (2) above shall serve notice in writing of the date, time and place fixed for the hearing of the application on—
 - (a) the applicant;
 - (b) the prosecutor or, if the applicant has not been charged, the chief officer of police or other investigator, together with a copy of the application; and
 - (c) any surety in connection with bail in criminal proceedings granted to, or the conditions of which were varied by a custody officer in relation to, the applicant.”;
- (d) in paragraph (4), after “Christmas Day,”, insert “Boxing Day,”; and
- (e) in paragraphs (6) and (7), after “the 1980 Act”, insert “or section 47(1E) of the 1984 Act”.

11. For the note after rule 19.1, substitute—

“[Note. This rule derives in part from rule 84A of the Magistrates' Courts Rules 1981(5). See also section 43B of the Magistrates' Courts Act 1980(6) and section 47 of the Police and Criminal Evidence Act 1984](7).”

12. In rule 19.2 (Application to a magistrates' court to reconsider grant of police bail)—

- (a) in paragraph (1), omit “(if any)”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (d), omit the second “and”, and
 - (ii) at the end of sub-paragraph (e), insert
 - “; and
 - (f) contain notice of the powers available to the court under section 5B of the 1976 Act.(8)
- (c) for paragraph (3), substitute—
 - “(3) The court officer to whom an application is sent under paragraph (2) above shall serve notice in writing of the date, time and place fixed for the hearing of the application on—
 - (a) the prosecutor who made the application;
 - (b) the person to whom bail was granted, together with a copy of the application; and
 - (c) any surety specified in the application.”.

13. In the note after rule 19.2, for “Formerly”, substitute “This rule derives in part from”.

14. For rule 19.17(11) (Crown Court procedure on appeal against grant of bail by a magistrates' court), substitute—

(5) S.I. 1981/552; relevant amending instruments are S.I. 1995/585, 2001/610, 2005/617.
 (6) 1980 c. 43; section 43B was inserted by section 27 of, and paragraph 3 of Schedule 3 to, the Criminal Justice and Public Order Act 1994 (c. 33).
 (7) 1984 c. 60; section 47 was amended by section 28 of, and paragraphs 1 and 6 of Schedule 2 to, the Criminal Justice Act 2003 (c. 44) and section 12 of, and paragraphs 1 and 10 of Schedule 1 to, the Criminal Justice Act 2003 (c. 44).
 (8) 1976 c. 63; section 5B was inserted by section 30 of the Criminal Justice and Public Order Act 1994 (c. 33) and amended by section 129 of the Criminal Justice and Police Act 2001 (c. 16), section 109 of, and paragraph 183 of Schedule 8 and Schedule 10 to, the Courts Act 2003 (c. 39) and section 198 of the Extradition Act 2003 (c. 41).

“(11) The notices required by paragraphs (3), (5), (7) and (9) of this rule may be served under rule 4.6 (service by fax, e-mail or other electronic means) and the notice required by paragraph (3) may be given by telephone.”

15. In the note after rule 19.17, for “Formerly”, substitute “This rule derives in part from”.
16. For Part 28 (Witness summonses and orders), substitute the Part as set out in Schedule 3 to these Rules.
17. In the heading to Part 31 (Restriction on cross-examination by a defendant acting in person in the Crown Court), omit “in the Crown Court”.
18. In the heading to rule 31.1 (Restrictions on cross-examination of witness in the Crown Court), omit “in the Crown Court”.
19. In the note after rule 31.1, for “Formerly”, substitute “This rule derives in part from”.
20. In the heading to rule 31.2 (Appointment of legal representative by the Crown Court), omit “by the Crown Court”.
21. In the note after rule 31.2, for “Formerly”, substitute “This rule derives in part from”.
22. In the heading to rule 31.3 (Appointment arranged by the accused in the Crown Court), omit “in the Crown Court”.
23. In rule 31.3(7)—
 - (a) in sub-paragraph (b), for “were”, substitute “where”; and
 - (b) in sub-paragraph (c), for “Crown Court”, substitute “court”.
24. In the note after rule 31.3, for “Formerly”, substitute “This rule derives in part from”.
25. In the heading to rule 31.4 (Prohibition on cross-examination of particular witness in the Crown Court), for “particular witness in the Crown Court”, substitute “witness”.
26. In rule 31.4(3)—
 - (a) in sub-paragraph (a), for “trial judge”, substitute “court of trial”; and
 - (b) in sub-paragraph (b)—
 - (i) in sub-paragraph (i), for “who has been”, substitute “or court”, and
 - (ii) for sub-paragraph (ii), substitute—
 - (ii) if no judge or court has been designated for that purpose, to such judge or court designated for the purposes of hearing that application.”.
27. In rule 31.4(6)(b), for “trial judge”, substitute “court”.
28. In rule 31.4(8)(b)—
 - (a) for “trial judge”, substitute “court”; and
 - (b) for “he”, substitute “it”.
29. In the notes after rules 31.4, 37.3 and 40.3, for “Formerly”, substitute “This rule derives in part from”.
30. In Part 52 (Enforcement of fines)—
 - (a) in the note after rule 52.1, for “Formerly”, substitute “This rule derives in part from”;
 - (b) in rule 52.6, omit from “and where under that section” to the end; and
 - (c) in the notes after rules 52.6 and 52.7, for “Formerly”, substitute “This rule derives in part from”.

31. In rule 53.1(2) (Review of compensation order made by a magistrates' court), omit "by post".
32. In the note after rule 53.1, for "Formerly", substitute "This rule derives in part from".
33. In rule 57.11(1), for "Rules 4.3 (Service of documents in Crown Court proceedings) and", substitute "Part 4 and rule".
34. In the note after rule 57.11, for "Formerly", substitute "This rule derives in part from".
35. After rule 68.3(1B) (Notice of appeal and application for extension of time), insert—

“(1C) A document to be served on a Crown Court officer under this Part must be served on a court officer at the Crown Court centre at which the conviction, verdict, finding, decision or sentence appealed against was given or passed.”.
36. In the note after rule 68.3, for "Formerly", substitute "This rule derives in part from".
37. In the Glossary—
 - (a) in the first column—
 - (i) after "representation order", insert "requisition", and
 - (ii) after "writ of venire de novo", insert "written charge"; and
 - (b) in the second column—
 - (i) after "an order authorising payment of legal aid for a defendant;", insert "a document issued under section 29 of the Criminal Justice Act 2003 requiring a person to appear before a magistrates' court to answer a written charge;", and
 - (ii) after "an order directing a new trial after a mistrial involving a fundamental irregularity;", insert "a document issued by a public prosecutor under section 29 of the Criminal Justice Act 2003 which institutes criminal proceedings by charging a person with an offence;".
38. Schedule 4 has effect.

*Phillips of Worth Matravers, C.J.
Sir Igor Judge, P.
Hooper, L.J.
Openshaw, J.
Charles Wide
Roderick Denyer
Anthony Evans
Kenneth Macdonald
Andrew Mimmack
David Fisher
Tom Little
Graham White
Martin Baker
Mark Harris
James Riches*

I allow these Rules, which shall come into force on 2nd April, 2007.

19th January 2007

Falconer of Thoroton, C.

I concur

5th March 2007

John Reid
One of Her Majesty's Principal Secretaries of
State