
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 2

UNDERSTANDING AND APPLYING THE RULES

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When the Rules apply

- 2.1.**—(1) In general, the Criminal Procedure Rules apply—
- (a) in all criminal cases in magistrates' courts and in the Crown Court; and
 - (b) in all cases in the criminal division of the Court of Appeal.
- (2) If a rule applies only in one or two of those courts, the rule makes that clear.
- (3) The Rules apply on and after 5th April, 2010, but unless the court otherwise directs they do not affect—
- (a) a right or duty existing under The Criminal Procedure Rules 2005; or
 - (b) the application of Part 29, Part 34 or Part 35 of The Criminal Procedure Rules 2005 in a case in which an application or notice under the Part concerned has been served before that date.

[Note. The rules replaced by the first Criminal Procedure Rules (The Criminal Procedure Rules 2005) were revoked when those Rules came into force by provisions of the Courts Act 2003, The Courts Act 2003 (Consequential Amendments) Order 2004(1) and The Courts Act 2003 (Commencement No. 6 and Savings) Order 2004(2). The first Criminal Procedure Rules reproduced the substance of all the rules they replaced.]

Definitions

- 2.2.**—(1) In these Rules, unless the context makes it clear that something different is meant:

(1) S.I. 2004/2035.
(2) S.I. 2004/2066.

‘business day’ means any day except Saturday, Sunday, Christmas Day, Boxing Day, Good Friday, Easter Monday or a bank holiday;

‘court’ means a tribunal with jurisdiction over criminal cases. It includes a judge, recorder, District Judge (Magistrates’ Court), lay justice and, when exercising their judicial powers, the Registrar of Criminal Appeals, a justices’ clerk or assistant clerk;

‘court officer’ means the appropriate member of the staff of a court;

‘justices’ legal adviser’ means a justices’ clerk or an assistant to a justices’ clerk;

‘live link’ means an arrangement by which a person can see and hear, and be seen and heard by, the court when that person is not in court;

‘Practice Direction’ means the Lord Chief Justice’s Consolidated Criminal Practice Direction, as amended; and

‘public interest ruling’ means a ruling about whether it is in the public interest to disclose prosecution material under sections 3(6), 7A(8) or 8(5) of the Criminal Procedure and Investigations Act 1996(3).

(2) Definitions of some other expressions are in the rules in which they apply.

References to Acts of Parliament and to Statutory Instruments

2.3. In these Rules, where a rule refers to an Act of Parliament or to subordinate legislation by title and year, subsequent references to that Act or to that legislation in the rule are shortened: so, for example, after a reference to the Criminal Procedure and Investigations Act 1996(4) that Act is called ‘the 1996 Act’; and after a reference to The Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 1997(5) those Regulations are called ‘the 1997 Regulations’.

The glossary

2.4. The glossary at the end of the Rules is a guide to the meaning of certain legal expressions used in them.

Representatives

2.5.—(1) Under these Rules, unless the context makes it clear that something different is meant, anything that a party may or must do may be done—

- (a) by a legal representative on that party’s behalf;
- (b) by a person with the corporation’s written authority, where that party is a corporation;
- (c) with the help of a parent, guardian or other suitable supporting adult where that party is a defendant—
 - (i) who is under 18, or
 - (ii) whose understanding of what the case involves is limited.

(2) Anyone with a prosecutor’s authority to do so may, on that prosecutor’s behalf—

- (a) serve on the magistrates’ court officer, or present to a magistrates’ court, an information under section 1 of the Magistrates’ Courts Act 1980(6); or

(3) 1996 c. 25; section 7A was inserted by section 37 of the Criminal Justice Act 2003 (c. 44).

(4) 1996 c. 25.

(5) S.I. 1997/684.

(6) 1980 c. 43; section 1 was amended by section 68 of, and paragraph 6 of Schedule 8 to, the Criminal Justice Act 1991 (c. 53), sections 43 and 109 of, and Schedule 10 to, the Courts Act 2003 (c. 39) and sections 31, 331 and 332 of, and Schedule 7

(b) issue a written charge and requisition under section 29 of the Criminal Justice Act 2003(7).

[Note. See also section 122 of the Magistrates' Courts Act 1980(8). A party's legal representative must be entitled to act as such under section 27 or 28 of the Courts and Legal Services Act 1990(9).

Section 33(6) of the Criminal Justice Act 1925(10), section 46 of the Magistrates' Courts Act 1980(11) and Schedule 3 to that Act(12) provide for the representation of a corporation.

Part 7 contains rules about starting a prosecution.]

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- and paragraphs 7 and 8 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44). It is further amended by section 331 of, and paragraphs 7 and 8 of Schedule 36 to, the Criminal Justice Act (c. 44), with effect from a date to be appointed.
- (7) 2003 c. 44; section 29 has been brought into force for certain purposes only (see S.I. 2007/1999, S.I. 2008/1424 and S.I. 2009/2879). It was amended by section 50 of, and paragraph 130 of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11) and section 59 of, and paragraph 196 of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15).
- (8) 1980 c. 43; section 122 was amended by section 125(3) of, and paragraph 25 of Schedule 18 to, the Courts and Legal Services Act 1990 (c. 41).
- (9) 1990 c. 41; section 27 was amended by sections 42, 43 and 106 of, and paragraphs 4 and 6 of Schedule 6 and Part II of Schedule 15 to, the Access to Justice Act 1999 (c. 22) and article 9 of, and paragraph 8(1) of Schedule 2 to, S.I. 2003/1887; section 28 was amended by sections 40, 42, 43 and 106 of, and paragraphs 4 and 7 of Schedule 6 and Part II of Schedule 15 to, the Access to Justice Act 1999 (c. 22). Sections 27 and 28 are repealed by sections 208 and 210 of, and paragraphs 83 and 84 of Schedule 21 and Schedule 23 to, the Legal Services Act 2007 (c. 29), with effect from a date to be appointed.
- (10) 1925 c. 86.
- (11) 1980 c. 43.
- (12) 1980 c. 43; Schedule 3 was amended, in relation to proceedings begun on or after 1 April 1997, by section 47 of, and paragraph 13 of Schedule 1 to, the Criminal Procedure and Investigations Act 1996 (c. 25) and, generally, by sections 25(2) and 101(2) of, and Schedule 13 to, the Criminal Justice Act 1991 (c. 53). It is amended by section 41 of, and paragraph 51 of Schedule 3 to, and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.