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STATUTORY INSTRUMENTS

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**2012 No. 1726**

**The Criminal Procedure Rules 2012**

**PART 5**

**FORMS AND COURT RECORDS**

*SECTION 2: COURT RECORDS*

**Duty to make records**

**5.4.**—(1) For each case, as appropriate, the court officer must record, by such means as the Lord Chancellor directs—

- (a) each charge or indictment against the defendant;
- (b) the defendant's plea to each charge or count;
- (c) each acquittal, conviction, sentence, determination, direction or order;
- (d) each decision about bail;
- (e) the power exercised where the court commits or adjourns the case to another court—
  - (i) for sentence, or
  - (ii) for the defendant to be dealt with for breach of a community order, a deferred sentence, a conditional discharge, or a suspended sentence of imprisonment, imposed by that other court;
- (f) the court's reasons for a decision, where legislation requires those reasons to be recorded;
- (g) any appeal;
- (h) each party's presence or absence at each hearing;
- (i) any consent that legislation requires before the court can proceed with the case, or proceed to a decision;
- (j) in a magistrates' court—
  - (i) any indication of sentence given in connection with the allocation of a case for trial, and
  - (ii) the registration of a fixed penalty notice for enforcement as a fine, and any related endorsement on a driving licence;
- (k) in the Crown Court, any request for assistance or other communication about the case received from a juror; and
- (l) the identity of—
  - (i) the prosecutor,
  - (ii) the defendant,
  - (iii) any other applicant to whom these Rules apply,

- (iv) the parties' legal representatives, if any, and
  - (v) the judge, magistrate or magistrates, justices' legal adviser or other person who made each recorded decision.
- (2) Such records must include—
- (a) each party's and representative's address, including any electronic address and telephone number available;
  - (b) the defendant's date of birth, if available; and
  - (c) the date of each event and decision recorded.

*[Note. For the duty to keep court records, see sections 5 and 8 of the Public Records Act 1958(1).*

*Requirements to record the court's reasons for its decision are contained in: section 5 of the Bail Act 1976(2); section 47(1) of the Road Traffic Offenders Act 1988(3); sections 20, 33A and 33BB of the Youth Justice and Criminal Evidence Act 1999(4); section 174 of the Criminal Justice Act 2003(5); and rule 16.8.*

*The prosecution of some offences requires the consent of a specified authority. Requirements for the defendant's consent to proceedings in his or her absence are contained in sections 23 and 128 of the Magistrates' Courts Act 1980(6).*

*In a case for which the amendments made by Schedule 3 to the Criminal Justice Act 2003 have come into force, section 20 of the Magistrates' Courts Act 1980(7) allows the court to give an indication of whether a custodial or non-custodial sentence is more likely in the event of a guilty plea at trial in that court.*

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- (1) 1958 c. 51; section 5 was amended by sections 67 and 86 of, and paragraph 2 of Schedule 5 to, the Freedom of Information Act 2000 (c. 36); and section 8 was amended by sections 27 and 35 of, and Schedule 2 to, the Administration of Justice Act 1969 (c. 58), section 1 of, and paragraph 19 of Schedule 2 to, the Administration of Justice Act 1970 (c. 31), section 56 of, and Schedule 11 to, the Courts Act 1971 (c. 23), section 152 of, and Schedule 7 to, the Senior Courts Act 1981 (c. 54) and sections 56 and 59 of, and Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).
  - (2) 1976 c. 63; section 5 was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45), section 60 of the Criminal Justice Act 1982 (c. 48), paragraph 1 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 53 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 129(1) of the Criminal Justice and Police Act 2001 (c. 16), paragraph 182 of Schedule 8 to the Courts Act 2003 (c. 39), paragraph 48 of Schedule 3, paragraphs 1 and 2 of Schedule 36, and Parts 2, 4 and 12 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) and section 208 of, and paragraphs 33 and 35 of Schedule 21 to, the Legal Services Act 2007 (c. 27). Some of the amendments in Schedule 3 to the Criminal Justice Act 2003 are in force only in relation to certain cases or in relation to certain local justice areas (see S.I. 2012/1320) and otherwise have effect from a date to be appointed.
  - (3) 1988 c. 53.
  - (4) 1999 c. 23; section 20(6) was amended by paragraph 384(a) of Schedule 8 to the Courts Act 2003 (c. 39); section 33A was inserted by section 47 of the Police and Justice Act 2006 (c. 48); and section 33BB is inserted by section 104(1) of the Coroners and Justice Act 2009, with effect from a date to be appointed.
  - (5) 2003 c. 44; section 174 was amended by section 49 of, and paragraph 9 of Schedule 1 to, the Violent Crime Reduction Act 2006 (c. 38) and section 6 of, and paragraphs 71, 80 and 81 of Schedule 4 to, the Criminal Justice and Immigration Act 2008 (c. 4). It is substituted by section 64 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), with effect from a date to be appointed.
  - (6) 1980 c. 43; section 23 was amended by section 125 of, and paragraph 25 of Schedule 18 to, the Courts and Legal Services Act 2000 (c. 41), and is further amended by paragraphs 1 and 8 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320) and otherwise with effect from a date to be appointed. Section 128 was amended by section 59 of, and paragraphs 2, 3 and 4 of Schedule 9 to, the Criminal Justice Act 1982 (c. 48), section 48 of the Police and Criminal Evidence Act 1984 (c. 60), section 170(1) of, and paragraphs 65 and 69 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33), section 125(3) of, and paragraph 25 of Schedule 18 to, the Courts and Legal Services Act 1990 (c. 41), sections 49, 52 and 80 of, and Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c. 25) and paragraph 75 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and is further amended by paragraph 51 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320) and otherwise with effect from a date to be appointed. It is modified by section 91(5) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), with effect from a date to be appointed.
  - (7) 1980 c. 43; section 20 was amended by section 100 of, and paragraph 25 of Schedule 11 to, the Criminal Justice Act 1991 (c. 53) and by paragraph 63 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and is further amended by paragraphs 1 and 6 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320) and otherwise with effect from a date to be appointed.

*Requirements to register fixed penalty notices and to record any related endorsement of a driving licence are contained in sections 57, 57A and 71 of the Road Traffic Offenders Act 1988(8).]*

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(8) 1988 c. 53; section 57(3) and (4) was amended by regulation 2(2) and (3) of, and paragraph 17 of Schedule 2 to, S.I. 1990/144 and section 5 of, and paragraphs 1 and 5 of Schedule 1 to, the Road Safety Act 2006 (c. 49); section 57A was added by section 9 of the Road Safety Act 2006 (c. 49), and is amended by section 10 of that Act with effect from a date to be appointed; and section 71 was amended by section 63 of, and paragraph 25(1) of Schedule 3 to, the Vehicle Excise and Registration Act 1994 (c. 22), sections 90(1) and 106 of, and paragraphs 140 and 150(1) and (2) of Schedule 13, and table 7 of Schedule 15 to, the Access to Justice Act 1999 (c. 22), section 109(1) of, and paragraph 317(1) and (2) of Schedule 8 to, the Courts Act 2003 (c. 39) and section 9(6) of, and paragraphs 2 and 22 of Schedule 2 to, the Road Safety Act 2006 (c. 49).