

2013 No. 2525 (L. 22)

SENIOR COURTS OF ENGLAND AND WALES
MAGISTRATES' COURTS, ENGLAND AND WALES

The Criminal Procedure (Amendment) Rules 2013

<i>Made</i> - - - -	<i>3rd October 2013</i>
<i>Laid before Parliament</i>	<i>4th October 2013</i>
<i>Coming into force</i> - -	<i>27th October 2013</i>

The Criminal Procedure Rule Committee makes the following Rules under section 69 of the Courts Act 2003(a), after consulting in accordance with section 72(1)(a) of that Act.

Citation, commencement and interpretation

1. These Rules may be cited as The Criminal Procedure (Amendment) Rules 2013 and shall come into force on 27th October 2013.

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 2013(b).

Amendments to the Criminal Procedure Rules 2013

3. In rule 3.8 (Case preparation and progression), after paragraph (4) insert—

“(5) Facilitating the participation of the defendant includes finding out whether the defendant needs interpretation because—

- (a) the defendant does not speak or understand English; or
- (b) the defendant has a hearing or speech impediment.

(6) Where the defendant needs interpretation—

- (a) the court officer must arrange for interpretation to be provided at every hearing which the defendant is due to attend;
- (b) interpretation may be by an intermediary where the defendant has a speech impediment, without the need for a defendant’s evidence direction;
- (c) on application or on its own initiative, the court may require a written translation to be provided for the defendant of any document or part of a document, unless—
 - (i) translation of that document, or part, is not needed to explain the case against the defendant, or

(a) 2003 c. 39; section 69 was amended by sections 15(1) and 146 of, and paragraphs 308 and 332 of Schedule 4 and Part 2 of Schedule 18 to, the Constitutional Reform Act 2005 (c. 4).
(b) S.I. 2013/1554.

- (ii) the defendant agrees to do without and the court is satisfied that the agreement is clear and voluntary and that the defendant has had legal advice or otherwise understands the consequences;
- (d) on application by the defendant, the court must give any direction which the court thinks appropriate, including a direction for interpretation by a different interpreter, where—
 - (i) no interpretation is provided,
 - (ii) no translation is ordered or provided in response to a previous application by the defendant, or
 - (iii) the defendant complains about the quality of interpretation or of any translation.

[Note. Part 29 (Measures to assist a witness or defendant to give evidence) contains rules about an application for a defendant’s evidence direction under (among other provisions) sections 33BA and 33BB of the Youth Justice and Criminal Evidence Act 1999(a).

See also Directive 2010/64/EU of the European Parliament and of the Council of 20th October, 2010, on the right to interpretation and translation in criminal proceedings(b).]’.

4. In rule 5.4 (Duty to make records)—

- (a) in paragraph (1)—
 - (i) from sub-paragraph (k), omit ‘and’,
 - (ii) after sub-paragraph (l)(iii), insert—
 - “(iv) any interpreter or intermediary,”
 - (iii) renumber sub-paragraphs (l)(iv) and (v) accordingly, and
 - (iv) after sub-paragraph (l), insert—
 - “(m) where a defendant is entitled to attend a hearing, any agreement by the defendant to waive that right; and
 - (n) where interpretation is required for a defendant, any agreement by that defendant to do without the written translation of a document.”; and
- (b) in the note to the rule, after the fifth paragraph insert—

“For agreement to do without a written translation in a case in which the defendant requires interpretation, see rule 3.8(6)(c)(ii).”.

*Judge, C.J.
 Rafferty, L.J.
 Thomas, P.
 Openshaw, J.
 Anna Guggenheim
 Martin Picton
 Stephen Earl
 Nicholas Moss
 Richard Chown
 Tessa Szagun
 Keir Starmer
 Patrick Gibbs
 Nathaniel Rudolf
 Michael Caplan*

(a) 1999 c. 23; sections 33BA and 33BB are inserted by section 104 of the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.
 (b) OJ L 280, 26.10.2010, p.1.

I allow these Rules, which shall come into force on 27th October 2013.

3rd October 2013

Chris Grayling
Lord Chancellor

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make the following amendments to The Criminal Procedure Rules 2013, S.I. 2013/1554:

<i>Rule</i>	<i>Amendment</i>
Part 3	Rule 3.8 is amended to provide for the procedure where the defendant requires interpretation.
Part 5	Rule 5.4 is amended to require the court officer to record the identity of any interpreter or intermediary, and to record any waiver by the defendant of the right to attend a hearing and any waiver of the translation of a document.

These Rules come into force on 27th October 2013.

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