
STATUTORY INSTRUMENTS

2020 No. 417

**The Criminal Procedure (Amendment
No. 2) (Coronavirus) Rules 2020**

Amendments to the Criminal Procedure Rules

6. In Part 3 (Case management)—

(a) in rule 3.2 (The duty of the court)—

(i) for paragraphs (4) and (5) substitute—

“(4) Where appropriate live links are available, making use of technology for the purposes of this rule includes giving a live link direction—

(a) for the conduct of any hearing by live link under a power to which the rules in Part 18 apply (Measures to help a person give evidence or otherwise participate); and

(b) whether an application for such a direction is made or not.”, and

(ii) for the note to the rule substitute—

“[Note. In relation to taking part by live link at a pre-trial hearing, see sections 46ZA and 47 of the Police and Criminal Evidence Act 1984(1) and section 57B of the Crime and Disorder Act 1998(2). In relation to taking part by live link at a sentencing or enforcement hearing, see sections 57E and 57F of the 1998 Act(3).

In relation to taking part by live link at trial, etc., see sections 19, 24 and 33A of the Youth Justice and Criminal Evidence Act 1999(4) and section 51 of the Criminal Justice Act 2003(5). Part 18 (Measures to help a person give evidence or otherwise participate) contains relevant rules.]”;

(b) in rule 3.3 (The duty of the parties), from paragraph (2)(e)(i) omit “or (5)” and “or telephone”;

(c) in rule 3.5 (The court’s case management powers), for paragraph (2)(d) substitute—

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- (1) 1984 c. 60; section 46ZA was inserted by section 46 of the Police and Justice Act 2006 (c. 48) and amended by section 107 of the Coroners and Justice Act 2009 (c. 25). Section 47 was amended by sections 27, 29 and 168 of, and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 46 of the Crime and Disorder Act 1998 (c. 37), section 109 of, and paragraph 283 of Schedule 8 to, the Courts Act 2003 (c. 39), sections 12 and 28 of, and paragraphs 1 and 10 of Schedule 1 and paragraphs 1 and 6 of Schedule 2 to, the Criminal Justice Act 2003 (c. 44), sections 10 and 46 of, and paragraphs 1, 6 and 11 of Schedule 6 to, the Police and Justice Act 2006 (c. 48) and section 1 of the Police (Detention and Bail) Act 2011 (c. 9). Each is modified by section 54 of, and paragraph 11 of Schedule 24 to, the Coronavirus Act 2020 (c. 7).
- (2) 1998 c. 37; sections 57A to 57E were substituted for section 57 as originally enacted by section 45 of the Police and Justice Act 2006 (c. 48). Section 57B was amended by section 106 of the Coroners and Justice Act 2009 (c. 25). It is modified by section 54 of, and paragraphs 1 and 3 of Schedule 24 to, the Coronavirus Act 2020 (c. 7).
- (3) 1998 c. 37; section 57E was amended by sections 106 and 178 of, and Schedule 3 to, the Coroners and Justice Act 2009 (c. 25) and is modified by section 54 of, and paragraphs 1 and 4 of Schedule 24 to, the Coronavirus Act 2020 (c. 7). Section 57F was inserted by section 109 of the Coroners and Justice Act 2009 (c. 25) and is modified by section 54 of, and paragraphs 1 and 5 of Schedule 24 to, the Coronavirus Act 2020 (c. 7).
- (4) 1999 c. 23; section 24 was amended by paragraph 385 of Schedule 8 to, and Schedule 10 to, the Courts Act 2003 (c. 39) and section 102(1) of the Coroners and Justice Act 2009 (c. 25). Section 33A was inserted by section 47 of the Police and Justice Act 2006 (c. 48).
- (5) 2003 c. 44; section 51 is modified by section 53 of, and Part 1 of Schedule 23 to, the Coronavirus Act 2020 (c. 7).

- “(d) receive applications, notices, representations and information by letter, by live link, by email or by any other means of electronic communication, and conduct a hearing by live link or other such electronic means;”;
- (d) in rule 3.9 (Case preparation and progression)—
- (i) after paragraph (7) insert—
- “(8) Facilitating the participation of any person includes giving a live link direction under a power to which the rules in Part 18 apply (Measures to help a person give evidence or otherwise participate)—
- (a) where appropriate live links are available;
- (b) for a witness or the defendant to give evidence by live link, subject to the requirements listed in rule 18.23 (Exercise of court’s powers) and in rule 18.24 (Content of application for a live link direction);
- (c) for a person to attend a hearing by live link when not giving evidence, subject to those requirements; and
- (d) whether an application for such a direction is made or not.”, and
- (ii) for the first paragraph of the note to the rule substitute—
- “[Note. Part 18 (Measures to help a person give evidence or otherwise participate) contains rules about applications for special measures directions, defendant’s evidence directions and live link directions.”; and*
- (e) in rule 3.28 (Directions for commissioning medical reports, other than for sentencing purposes), at the end of the third paragraph of the note to the rule insert—
- “The court may act on the evidence of only one such practitioner for the purposes of the legislation listed in (c), (d) and (e) above where section 10 of the Coronavirus Act 2020(6)applies and the court is satisfied that to comply with the requirement for two is impractical or would involve undesirable delay.”.*