
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 2

**UNDERSTANDING AND APPLYING THE RULES
AND POWERS OF AUTHORISED COURT OFFICERS**

UNDERSTANDING AND APPLYING THE RULES

When the Rules apply

2.1.—(1) In general, Criminal Procedure Rules apply—

- (a) in all criminal cases in magistrates' courts and in the Crown Court;
- (b) in extradition cases in the High Court; and
- (c) in all cases in the criminal division of the Court of Appeal.

(2) If a rule applies only in one or some of those courts, the rule makes that clear.

(3) These Rules apply on and after 5th October, 2020, but unless the court otherwise directs, they do not affect a right or duty existing under the Criminal Procedure Rules 2015(1).

(4) The following rules temporarily have effect as described beneath, subject to paragraphs (5) and (6) of this rule—

- (a) in this Part, rules 2.2 (Definitions), 2.7 (Exercise of functions of the Crown Court) and 2.8 (Exercise of functions of a magistrates' court) as if they were amended by rule 5 of the Criminal Procedure (Amendment No. 2) (Coronavirus) Rules 2020(2) ('the Coronavirus Rules');
- (b) in Part 3 (Case management)—
 - (i) rules 3.2 (The duty of the court), 3.3 (The duty of the parties) and 3.5 (The court's case management powers) as if they were amended by rule 6(a), (b) and (c) respectively of the Coronavirus Rules,
 - (ii) rule 3.8 (Case preparation and progression) as if it were amended by rule 6(d) of the Coronavirus Rules (which amended rule 3.9 of the Criminal Procedure Rules 2015), and
 - (iii) rule 3.10 (Directions for commissioning medical reports, other than for sentencing purposes) as if it were amended by rule 6(e) of the Coronavirus Rules (which amended rule 3.28 of the Criminal Procedure Rules 2015);
- (c) in Part 5 (Forms and court records), rule 5.4 (Duty to make records) as if it were amended by rule 7 of the Coronavirus Rules;

(1) S.I. 2015/1490; amended by S.I. 2016/120, 2016/705, 2017/144, 2017/282, 2017/755, 2017/915, 2018/132, 2018/847, 2019/143, 2019/908, 2019/1119, 2020/32, 2020/417.

(2) S.I. 2020/417.

- (d) in Part 14 (Bail and custody time limits), rule 14.20 (Exercise of court’s powers: extension of live link bail) as if it were amended by rule 8 of the Coronavirus Rules;
- (e) in Part 18 (Measures to assist a witness or defendant to give evidence)—
 - (i) the heading to the Part as if it were amended by rule 9(a) of the Coronavirus Rules,
 - (ii) rules 18.1 (When this Part applies), 18.2 (Meaning of ‘witness’), 18.4 (Decisions and reasons), 18.23 (Exercise of court’s powers), 18.24 (Content of application for a live link direction), 18.25 (Application to discharge a live link direction, etc.) and 18.26 (Representations in response) as if they were amended by rule 9(b) to (h) respectively of the Coronavirus Rules, and
 - (iii) the note at the end of the Part as if it were amended by rule 9(i) of the Coronavirus Rules;
- (f) in Part 24 (Trial and sentence in a magistrates’ court), rule 24.11 (Procedure if the court convicts) as if it were amended by rule 10 of the Coronavirus Rules;
- (g) in Part 25 (Trial and sentence in the Crown Court), rule 25.16 (Procedure if the court convicts) as if it were amended by rule 11 of the Coronavirus Rules;
- (h) in Part 28 (Sentencing procedures in special cases), rule 28.8 (Directions for commissioning medical reports for sentencing purposes) as if it were amended by rule 12 of the Coronavirus Rules;
- (i) in Part 47 (Investigation orders and warrants) the rules listed in rule 13 of the Coronavirus Rules as if they were amended by that rule; and
- (j) in Part 50 (Extradition), rules 50.3 (Exercise of magistrates’ court’s powers) and 50.17 (Exercise of High Court’s powers) as if they were amended by rule 14 of the Coronavirus Rules.

(5) The temporary amendments to rules 3.10 (Directions for commissioning medical reports, other than for sentencing purposes) and 28.8 (Directions for commissioning medical reports for sentencing purposes) to which paragraph (4) of this rule refers cease to have effect when paragraph 6 of Schedule 8 to the Coronavirus Act 2020(3) expires.

(6) The other temporary amendments to which paragraph (4) of this rule refers cease to have effect when section 53 (and Schedule 23), section 54 (and Schedule 24) and section 55 (and Schedule 25) of the Coronavirus Act 2020 expire.

[Note. The rules replaced by the first Criminal Procedure Rules (the Criminal Procedure Rules 2005(4)) were revoked when those Rules came into force by provisions of the Courts Act 2003, the Courts Act 2003 (Consequential Amendments) Order 2004(5) and the Courts Act 2003 (Commencement No. 6 and Savings) Order 2004(6). The first Criminal Procedure Rules reproduced the substance of all the rules they replaced.

The Criminal Procedure (Amendment No. 2) (Coronavirus) Rules 2020 made temporary amendments to the Criminal Procedure Rules 2015 in consequence of modifications to statutory provisions made by the Coronavirus Act 2020.]

(3) 2020 c. 7.

(4) S.I. 2005/384; amended by S.I. 2006/353, 2006/2636, 2007/699, 2007/2317, 2007/3662, 2008/2076, 2008/3269 and 2009/2087.

(5) S.I. 2004/2035.

(6) S.I. 2004/2066.