
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 5

FORMS AND COURT RECORDS

COURT RECORDS

Supply to a party of information or documents from records or case materials

5.7.—(1) This rule—

(a) applies where—

- (i) a party wants information, or a copy of a document, from records or case materials kept by the court officer (for example, in case of loss, or to establish what is retained), or
- (ii) a person affected by an order made, or warrant issued, by the court wants such information or such a copy; but

(b) does not apply to—

- (i) a recording arranged under rule 5.5 (Recording and transcription of proceedings in the Crown Court),
- (ii) a copy of such a recording, or
- (iii) a transcript of such a recording.

(2) Such a party or person must—

- (a) apply to the court officer;
- (b) specify the information or document required; and
- (c) pay any fee prescribed.

(3) The application—

- (a) may be made orally, giving no reasons, if paragraph (4) requires the court officer to supply the information or document requested; but
- (b) must be in writing, unless the court otherwise permits, and must explain for what purpose the information is required, in any other case.

(4) The court officer must supply to the applicant party or person—

- (a) a copy of any document served by, or on, that party or person (but not of any document not so served); and
- (b) by word of mouth, or in writing, as requested—
 - (i) information that was received from that party or person in the first place,
 - (ii) information about the terms of any direction or order directed to that party or person, or made on an application by that party or person, or at a hearing in public, and

(iii) information about the outcome of the case.

(5) If the court so directs, the court officer must supply to the applicant party or person, by word of mouth or in writing, as requested, information that paragraph (4) does not require the court officer to supply.

(6) Where the information requested is about the grounds on which an order was made, or a warrant was issued, in the absence of the party or person applying for that information—

- (a) that party or person must also serve the request on the person who applied for the order or warrant;
- (b) if the person who applied for the order or warrant objects to the supply of the information requested, that objector must—
 - (i) give notice of the objection not more than 10 business days after service of the request (or within any longer period allowed by the court),
 - (ii) serve that notice on the court officer and on the party or person requesting the information, and
 - (iii) if the objector wants a hearing, explain why one is needed;
- (c) the court may determine the application for information at a hearing (which must be in private unless the court otherwise directs), or without a hearing; and
- (d) the court must not permit the information requested to be supplied unless the person who applied for the order or warrant has had at least 10 business days (or any longer period allowed by the court) in which to make representations.

(7) A notice of objection under paragraph (6) must explain—

- (a) whether the objection is to the supply of any part of the information requested, or only to the supply of a specified part, or parts, of it;
- (b) whether the objection is to the supply of the information at any time, or only to its supply before a date or event specified by the objector; and
- (c) the grounds of the objection.

(8) Where a notice of objection under paragraph (6) includes material that the objector thinks ought not be revealed to the party or person applying for information, the objector must—

- (a) omit that material from the notice served on that party or person;
- (b) mark the material to show that it is only for the court; and
- (c) with that material include an explanation of why it has been withheld.

(9) Where paragraph (8) applies—

- (a) a hearing of the application may take place, wholly or in part, in the absence of the party or person applying for information; and
- (b) at any such hearing, the general rule is that the court must consider, in the following sequence—
 - (i) representations first by the party or person applying for information and then by the objector, in the presence of both, and then
 - (ii) further representations by the objector, in the absence of that party or person but the court may direct other arrangements for the hearing.