
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Criminal Procedure Rules 2020, [S.I. 2020/759](#), as follows:

<i>Rule</i>	<i>Amendment</i>
Part 2	Rule 2.1 is amended to omit temporary provisions no longer required. Rule 2.2 is amended to correspond with a new statutory definition of ‘live link’. Rule 2.10 is added to bring together in one Part all the non-administrative powers exercisable by court officers under the Rules.
Part 3	Rule 3.32 is amended explicitly to require the identification of each indictment on which the prosecutor wants the defendant to be arraigned in the Crown Court where two or more indictments or draft indictments have been prepared. Rules 3.35 to 3.39 are added to supplement new statutory powers to direct the use of a live link.
Part 4	Rule 4.1 is amended to accommodate and list new statutory provisions about the service of documents.
Part 5	Rule 5.4 is amended to require a record to be made of when directions are given to jurors, or other assistance given to them, and of when submissions and rulings are made about such directions and assistance. Rule 5.6 is amended explicitly to require the court officer to retain, as well as evidence, etc. served by a party to the case, other evidence or material which is prepared for the court (for example, a video recording of the pre-trial cross-examination of a witness). Rule 5.10 is amended explicitly to apply the rule to the exercise of a court’s power to allow access to a document, including a recording, without requiring a copy to be made. Rule 5.11 is amended to require the publication of a warning where general, not case-specific, reporting restrictions may apply.
Part 7	Rule 7.2 is amended to incorporate examples of the circumstances in which the court can decline to issue a summons or warrant to which the Part 7 rules apply. Rule 7.4 is amended to require a summons to identify the prosecutor where that prosecutor is not a public authority.
Part 9	New rule 9.16 is added to supplement a new statutory power to send a defendant back from the Crown Court to a magistrates’ court for trial, and to distinguish that new power from an existing similar power.

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<i>Rule</i>	<i>Amendment</i>
Part 10	Rule 10.2 is amended to require the prosecutor to specify, in a document containing an indictment, the type of indictment contained, and to provide for the consolidated sentencing indictment that rule 25.16 will require.
Part 25	Rule 25.2 is amended explicitly to require the identification of each indictment on which the prosecutor wants a Crown Court trial to proceed where two or more indictments have been prepared. Rule 25.10 is amended to prescribe the procedure to be followed when a defendant previously found unfit to be tried is assessed as having recovered. Rule 25.16 is amended to provide for the preparation of a consolidated sentencing indictment. Rule 25.18 is amended explicitly to require the court officer to retain written directions and other material given to jurors.
Part 26	New rule 26.6 is added to prescribe the oath to be taken by a British Sign Language interpreter for a juror under new statutory provisions that permit such interpretation.
Part 31	Rules 31.1, 31.2, 31.3, 31.4 and 31.5 are amended to list and to provide for serious violence reduction orders and domestic abuse protection orders (when those two new types of order become available), and additional requirements in football banning orders. New rule 31.10 is added explicitly to require the giving of notice to those responsible for implementing a supervision or electronic monitoring requirement.
Part 33	Rule 33.66 is amended explicitly to extend that rule to applications for revised financial assessments in cases that antedate 2002.
Part 34	Rule 34.1 is amended to list appeals to the Crown Court in connection with serious violence reduction orders and domestic abuse protection orders (when those two new types of order become available).
Part 35	Rule 35.2 is amended to impose a time limit for the court's initial decision to state a case for the High Court, or to decline to do so. Rule 35.4 is amended to require legal advisers in all cases to assist lay justices in preparing a case stated.
Part 39	Rule 39.1 is amended to list appeals to the Court of Appeal in connection with serious violence reduction orders and domestic abuse protection orders (when those two new types of order become available).
Part 45	Rule 45.4 is amended (i) to specify the information that must be given to the court on an application for a prosecutor's costs to be paid from central funds, and (ii) to incorporate the criteria that the court must apply.

<i>Rule</i>	<i>Amendment</i>
Part 47	Rule 47.66 is amended explicitly to provide for the service, including service overseas, of a variation of a previous order.

Correction of error. Rule 9.2(1) is amended to correct an error that it contains.

Amendments consequent on other amendments. The following other rules and notes to rules ('n') are amended in consequence only of statutory amendments made by the Police, Crime, Sentencing and Courts Act 2022 and the Judicial Review and Courts Act 2022, or the rule amendments listed above (or both): the heading to Part 2; 3.1, 3.2, 3.3, 3.5; 4.7; 5.8, 5.9; 9.1; 14.18; 18.1, 18.2, 18.3, 18.4(n), 18.5(n), 18.15, 18.16, 18.23 to 18.26 (which four rules are omitted), 18.27 to 18.32 (which six rules are renumbered) and the summary at the end of Part 18; 25.17; 28.10; 29.4; 44.2; and 47.5, 47.36, 47.55, 47.60, 47.63, 47.64 and 47.65.

The following come into force on 15th August 2022—

- (a) the amendments in Parts 2, 3, 7, 14, 18 and 47 consequent upon new statutory provisions about live links (see sections 200 and 201 of, and Schedule 20 to, the Police, Crime, Sentencing and Courts Act 2022);
- (b) the amendments in Part 4 consequent upon new statutory provisions about the service of documents (see section 16 of the Judicial Review and Courts Act 2022);
- (c) the amendments in Parts 9 and 28 consequent upon new statutory provisions about sending a defendant back from the Crown Court to a magistrates' court for trial, and remitting a defendant from the Crown Court to a magistrates' court for sentence (see section 11 of the Judicial Review and Courts Act 2022);
- (d) the amendment in Part 26 consequent upon new statutory provisions about British Sign Language interpretation for deaf jurors (see section 196 of the Police, Crime, Sentencing and Courts Act 2022); and
- (e) the amendment to rule 9.2 that corrects an error.

The following come into force on 3rd October 2022—

- (a) the amendments in Part 2 about the powers of court officers;
- (b) the amendments in Part 3 about indictments on arraignment in the Crown Court;
- (c) the amendments in Part 5 about (i) court records, (ii) case materials, (iii) access to documents and recordings, and (iv) warnings about reporting or access restrictions;
- (d) the amendments in Part 7 about (i) declining to issue a summons, and (ii) identification of the prosecutor in a summons;
- (e) the amendments in Part 10 about indictments;
- (f) the amendments in Part 25 about (i) indictments for trial and sentencing, (ii) the resumption of trial after a defendant's recovery from being unfit to be tried, and (iii) retention of written jury directions and other jury materials;
- (g) the amendments in Parts 29, 44 and the preamble to the Criminal Procedure Rules that are consequent upon the amendments in Part 2 about the powers of court officers;
- (h) the amendments in Part 31 that will provide for serious violence reduction orders and domestic abuse protection orders when those two new types of order become available, and additional requirements in football banning orders;
- (i) the amendments in Part 33 that accommodate applications for revised financial assessments in cases that began before 2002;

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- (j) the amendments in Parts 34 and 39 that will accommodate appeals in connection with serious violence reduction orders and domestic abuse protection orders when those two new types of order become available;
- (k) the amendments in Part 35 about (i) the time limit for the court's decision to state a case, and (ii) the duties of magistrates' legal advisers;
- (l) the amendments in Part 45 about applications for costs from central funds; and
- (m) the amendments in Part 47 about overseas production orders.