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STATUTORY INSTRUMENTS

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**2022 No. 815**

**The Criminal Procedure (Amendment No. 2) Rules 2022**

**Amendments to the Criminal Procedure Rules**

4. In Part 2 (Understanding and applying the rules, and powers of authorised court officers)—
- (a) for the heading to the Part substitute “Understanding and applying the rules; Powers of court officers”;
  - (b) in rule 2.1 (When the Rules apply)—
    - (i) omit paragraphs (4), (5) and (6), and
    - (ii) omit the second paragraph of the note to the rule;
  - (c) in rule 2.2 (Definitions)—
    - (i) in paragraph (1), for the definition of live link substitute—
      - “‘live link’ means a live audio link or a live video link and:
        - (i) ‘live audio link’ means a live telephone link or other arrangement by which a person taking part in a hearing can hear, and be heard by, everyone else who is taking part and who is not in the same place as that person,
        - (ii) ‘live video link’ means a live television link or other arrangement by which a person taking part in a hearing can see and hear, and be seen and heard by, everyone else who is taking part and who is not in the same place as that person;
      - ‘live link direction’ means a direction that requires or permits a person to take part through a live audio link or a live video link in the proceedings listed in section 51(3) of the Criminal Justice Act 2003<sup>(1)</sup>,” and
    - (ii) in paragraph (2), for “Definitions” substitute “Special definitions and definitions”;
  - (d) in rule 2.7 (Exercise of functions of the Crown Court), for paragraph (2)(b) substitute—
    - “(b) give a live link direction under section 51 of the Criminal Justice Act 2003 for the participation of a defendant in custody in a preliminary hearing, a sentencing hearing or an enforcement hearing; and”;
  - (e) in rule 2.8 (Exercise of functions of a magistrates’ court), for paragraph (4)(b) substitute—
    - “(b) giving, varying or revoking a live link direction under sections 51 and 52 of the Criminal Justice Act 2003<sup>(2)</sup> for the participation of a defendant in custody in a preliminary hearing, a sentencing hearing or an enforcement hearing;” and
  - (f) after rule 2.10 (Court’s power to extend time under rule 2.6 or rule 2.7) insert—

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<sup>(1)</sup> 2003 c. 44; section 51 was substituted by section 200 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

<sup>(2)</sup> 2003 c. 44; section 52 was substituted by paragraph 1 of Schedule 20 to the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

*“POWERS OF COURT OFFICERS TO TAKE STATUTORY DECLARATIONS*

**Taking of statutory declarations by court officers**

**2.11.**—(1) This rule applies to a statutory declaration required by—

- (a) rule 29.4 (Statutory declaration to avoid fine after fixed penalty notice); or
- (b) rule 44.2 (Statutory declaration of ignorance of proceedings).

(2) A court officer may take a statutory declaration to which this rule applies if that officer is—

- (a) a justices’ legal adviser;
- (b) nominated for the purpose by a justices’ legal adviser; or
- (c) authorised to exercise the function to which rule 2.8(2)(m) refers (extending time for the service of a statutory declaration).

*[Note. Section 2 of the Commissioners for Oaths Act 1889(3) allows rules that regulate the procedure of a court to authorise the taking of a statutory declaration by an officer of that court.]”*; and

- (g) amend the table of contents correspondingly.

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(3) 1889 c. 10; section 2 was amended by section 59 of, and paragraph 15 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).