

2025 No. 60 (L. 1)

SENIOR COURTS OF ENGLAND AND WALES
MAGISTRATES' COURTS, ENGLAND AND WALES

The Criminal Procedure (Amendment) Rules 2025

Made - - - - - *20th January 2025*

Laid before Parliament *23rd January 2025*

Coming into force in accordance with rules 2 and 3

The Criminal Procedure Rule Committee makes the following Rules under section 69 of the Courts Act 2003(a), after consulting in accordance with section 72(1)(a) of that Act.

Citation

1. These Rules may be cited as the Criminal Procedure (Amendment) Rules 2025.

Commencement

2. Rules 1, 2, 3, 4, 5, 9 and 13 come into force on 24th February 2025.
3. Rules 6, 7, 8, 10, 11 and 12 come into force on 7th April 2025.

Interpretation

4. In rules 5 to 12 of these Rules a reference to a Part or rule by number alone means the Part or rule so numbered in the Criminal Procedure Rules 2020(b).

Amendments to the Criminal Procedure Rules 2020

5. In Part 9 (Allocation and sending for trial), in the last paragraph of the note to rule 9.15 (Committal for sentence for offence related to an offence sent for trial) for “28.12”, in both places it occurs, substitute “28.13”.

6. In Part 17 (Witness summonses, warrants and orders)—

- (a) in rule 17.1 (When this Part applies)—

- (i) omit paragraph (2),
- (ii) paragraph (1) becomes the text of the rule,

(a) 2003 c. 39; section 69 was amended by section 146 of, and paragraphs 308 and 332 of Schedule 4 and Part 2 of Schedule 18 to, the Constitutional Reform Act 2005 (c. 4).

(b) S.I. 2020/759; amended by S.I. 2021/40, 2021/849, 2022/45, 2022/815, 2023/44, 2023/786, 2024/62, and 2024/842.

- (iii) immediately after the third sentence of the note to the rule insert, “Under section 9(2) of the 1879 Act^(a), expressions in the Act relating to “bankers’ books” include ledgers, day books, cash books, account books and other records used in the ordinary business of the bank, whether those records are in written form or are kept on microfilm, magnetic tape or any other form of mechanical or electronic data retrieval mechanism.”;
- (b) in rule 17.3 (Application for summons, warrant or order: general rules) for paragraph (4) substitute—
 - “(4) The application may be made orally unless—
 - (a) paragraph (3) of this rule applies (bank records);
 - (b) rule 17.5 applies (Application for summons to produce a document, etc.: special rules); or
 - (c) the court otherwise directs.”;
- (c) in rule 17.5 (Application for summons to produce a document, etc.: special rules) omit paragraph (5);
- (d) in rule 17.7 (Application to withdraw a summons, warrant or order)—
 - (i) at the end of paragraph (1)(b) omit “or”,
 - (ii) at the end of paragraph (1)(c) insert—
 - “; or
 - (d) the bank to which the order is directed, on the ground that a requirement of the Bankers’ Books Evidence Act 1879 is not met.”,
 - (iii) in paragraph (2)(b)(i) after “the witness” insert “or bank”,
 - (iv) in paragraph (3) after “document or thing to be produced” insert “by a witness”.

7. In Part 20 (Hearsay evidence), in rule 20.2 (Notice to introduce hearsay evidence) in paragraph (1)(c) omit “evidence in”.

8. In Part 30 (Enforcement of fines and other orders for payment), in rule 30.5 (Application to reduce a fine, vary payment terms or remit a courts charge), for paragraph (1) substitute—

- “(1) This rule applies where—
 - (a) the defendant wants the court to remit the whole or any part of a fine;
 - (b) no collection order is in force and the defendant wants the court to vary payment terms; or
 - (c) the defendant, a fines officer or an enforcement agent wants the court to remit a criminal courts charge.”.

9. In Part 33 (Confiscation and related proceedings), in paragraph (1) of rule 33.26 (Appeal about decision on application to realise seized property or to realise or destroy cryptoassets), for “authorising the realisation of property” substitute “to realise seized property or to realise or destroy cryptoassets”.

10. In Part 38 (Appeal to the Court of Appeal against ruling adverse to prosecution)—

- (a) in rule 38.2 (Decision to appeal)—
 - (i) in paragraphs (1)(a) and (2)(a) immediately before “the ruling”, in both places it occurs, insert “becoming aware of”,
 - (ii) for paragraph (2)(b) substitute—

(a) 1879 c. 11; section 9 was substituted by section 51 of, and paragraph 1 of Schedule 6 to, the Banking Act 1979 (c. 37) and amended by sections 4 and 7 of, and Schedule 4 to, the Trustee Savings Bank Act 1985 (c. 58), section 120 of, and paragraph 1 of Schedule 18 to, the Building Societies Act 1986 (c. 53), S.I. 2001/1149 and 3649 and section 114 of, and paragraph 27 of Schedule 18 to, the Financial Services Act 2012 (c. 21).

“(b) the judge must not require the appellant to decide there and then but instead must allow until, as a general rule, the next business day.”;

- (b) in rule 38.5 (Crown Court judge’s permission to appeal), in paragraph (1)(a) immediately before “the ruling” insert “becoming aware of”.

11. In Part 45 (Costs), for “in restraint proceedings” substitute “in restraint or receivership proceedings” in both—

- (a) paragraph (3) of rule 45.2 (Costs orders: general rules); and
(b) paragraph (6) of rule 45.7 (Costs on an application).

12. In Part 48 (Contempt of court)—

- (a) in rule 48.2 (Exercise of court’s power to deal with contempt of court)—

- (i) in paragraph (2)(b) for “it” substitute “the hearing”, and
(ii) after paragraph (3) insert—

“(4) Where a respondent admits conduct to which this Part applies or the court finds such conduct proved, the court officer must publish an announcement of the event—

- (a) which includes the information listed in paragraph (3) of this rule; and
(b) by such arrangements as the Lord Chief Justice directs.”;

- (b) in rule 48.5 (Initial procedure on obstruction, disruption, etc.)—

- (i) renumber paragraph (1)(e) as (1)(f),
(ii) in paragraph (1)(d) for “without the court’s permission, recording the proceedings, etc.” substitute “Use of tape recorders”,
(iii) at the end of paragraph (1)(d) omit “or”,
(iv) after paragraph (1)(d) insert—
“(e) a contravention of section 41 of the Criminal Justice Act 1925(a) (Prohibition on taking photographs, etc, in court); or”,
(v) in paragraph (2), in the words before sub-paragraph (a), for “Unless the respondent’s behaviour makes it impracticable to do so” substitute “If it is necessary in the interests of justice to deal there and then with conduct to which this rule applies”,
(vi) in paragraph (2)(a) before “explain in terms the respondent can understand” insert “unless the respondent’s behaviour makes it impracticable to do so,”,
(vii) for paragraph (2)(a)(v) substitute—
“(v) that the respondent may apologise, if the respondent so wishes, which may persuade the court to take no further action, and”,

- (viii) in paragraph (2)(b) for “he or she” substitute “the respondent”,

- (ix) for paragraph (3) substitute—

“(3) After allowing that opportunity—

- (a) the court may enquire into the conduct at once;
(b) the court may postpone the enquiry—
(i) if a magistrates’ court, only until later the same day, or
(ii) if the Court of Appeal or the Crown Court, until a date and time fixed by the court for the respondent to surrender to the court’s custody;

(a) 1925 c. 86; section 41 was amended by section 56 of, and Schedule 11 to, the Courts Act 1971 (c. 23), sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), section 47 of the Constitutional Reform Act 2005 (c. 4), section 32 of the Crime and Courts Act 2013 (c. 22) and section 198 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

- (c) if the conduct appears to contravene section 9 of the Contempt of Court Act 1981(a) (recording) or section 41 of the Criminal Justice Act 1925 (photography), the court may—
 - (i) at once require the respondent to erase the recording or photograph immediately,
 - (ii) explain the power of a court security officer to seize an article under section 54 of the Courts Act 2003(b) (Surrender and seizure of articles), and
 - (iii) explain the power of the court to order the forfeiture and disposal of an instrument under section 9(3) of the Contempt of Court Act 1981; or
- (d) the court may take no further action in respect of the conduct.
- (4) In the Crown Court, if it is not necessary in the interests of justice to deal there and then with the conduct the court must instead—
 - (a) direct the court officer to report the incident to a Presiding Judge; and
 - (b) unless the respondent’s behaviour makes it impracticable to do so, explain in terms the respondent can understand (with help, if necessary), that—
 - (i) the incident will be considered by a Presiding Judge,
 - (ii) the outcome may be prosecution or proceedings for contempt of court, which may lead to imprisonment, or to a fine, or both,
 - (iii) the respondent may explain the conduct and may apologise, if the respondent so wishes, which may affect the outcome, and
 - (iv) the respondent may take legal advice.”;
- (c) in the note to rule 48.5 (Initial procedure on obstruction, disruption, etc.)—
 - (i) in the fourth paragraph, in the first sentence for “section 89 of the Powers of Criminal Courts (Sentencing) Act 2000(c)” substitute “section 227 of the Sentencing Act 2020(d)” and for the second sentence substitute “Under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000(e), a respondent who is at least 18 but under 21 may be detained if the court is of the opinion that no other method of dealing with that respondent is appropriate.”,
 - (ii) in the seventh paragraph for the first sentence substitute “By reason of sections 15 and 45 of the Senior Courts Act 1981(f), the Court of Appeal and the Crown Court each has (i) an inherent power temporarily to detain a respondent, for example to restore order, when dealing with obstructive, disruptive, insulting or intimidating conduct, and (ii) an inherent power to grant bail, subject to the obligation to attend the enquiry and subject to the same principles that apply to bail in a prosecution.”,
 - (iii) after the eighth paragraph insert—

“Under section 53(2) of the Courts Act 2003(g), a court security officer may restrain any person in a court building, or exclude or remove any person from a court building, if that is reasonably necessary to enable court business to be carried on without interference or delay, to maintain order, or to secure the safety of any person in the building. Under section 53(4) of that Act a court security officer acting in the execution of that officer’s duty may remove any person from a courtroom at the request of a judge or a justice of the peace.”

(a) 1981 c. 49; section 9 was amended by sections 31 and 32 of the Crime and Courts Act 2013 (c. 22) and section 198 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

(b) 2003 c. 39.

(c) 2000 c. 6; section 89 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(d) 2020 c. 17.

(e) 2000 c. 6; section 108 was amended by section 410 of, and paragraph 163 of Schedule 24 to, the Sentencing Act 2020 (c. 17).

(f) 1981 c. 54.

(g) 2003 c. 39.

Under section 54 of the Courts Act 2003, a court security officer must ask a person in a court building to surrender any article that the officer reasonably believes (a) may jeopardise the maintenance of order in the court building or a part of it, (b) may put the safety of any person in the court building at risk, or (c) may be evidence of, or in relation to, an offence. If that person refuses to surrender that article the officer may seize it.

Under section 9(3) of the Contempt of Court Act 1981, the court may order the forfeiture of a recording instrument brought into court without the court's permission, and any recording made with it, and may direct the manner of its disposal. The object forfeited must be disposed of in this manner, unless the court otherwise determines on application by the owner.

Presiding Judges are appointed from among High Court judges under section 72 of the Courts and Legal Services Act 1990(a).";

- (d) in rule 48.6 (Review after temporary detention), in paragraph (4) for "there and then", in both places it occurs, substitute "at once";
- (e) in rule 48.7 (Postponement of enquiry)—
 - (i) in paragraph (2) for "The court must arrange for the preparation of" substitute "Under the superintendence of the court the court officer must prepare",
 - (ii) for paragraph (3) substitute—

"(3) The court officer must serve on the respondent—

 - (a) that written statement;
 - (b) such other evidence, if any, of the conduct which the court will consider at the enquiry;
 - (c) notice of where and when the postponed enquiry will take place;
 - (d) a reminder that the court can impose imprisonment, or a fine, or both, for contempt of court; and
 - (e) a warning that if the respondent fails to attend the enquiry—
 - (i) the enquiry may take place in the respondent's absence, and
 - (ii) the respondent may be arrested and punished for failing to attend.";
- (f) in rule 48.8 (Procedure on enquiry), in paragraph (3)(b) after "evidence of the conduct" insert "served under that rule".

Amendments to the Criminal Procedure (Amendment No. 2) Rules 2024

13. The Criminal Procedure (Amendment No. 2) Rules 2024(b) are amended as follows—

- (a) in rule 2(a)(iii) for "5(a)" substitute "5";
- (b) in rule 12 for paragraph (d) substitute—

"(d) in rule 41.4 (Respondent's notice) in paragraph (1) after "defendant on whom" insert "under rule 41.2" and after "notice of reference" insert "of a point of law under section 36 of the Criminal Justice Act 1972(c).";"
- (c) in rule 13(a) for sub-paragraphs (iv) and (v) substitute—

"(iv) after the seventh paragraph of the note to the rule insert—

(a) 1990 c. 41; section 72 was amended by section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(b) S.I. 2024/842.

(c) 1972 c. 71; section 36 was amended by section 31 of, and paragraph 8 of Schedule 1 to, the Prosecution of Offences Act 1985 (c. 23), section 40 of, and paragraph 23 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4) and section 62 of, and paragraph 9 of Schedule 7 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

“Under section 6A(8) or section 6B(7) of the European Union (Withdrawal) Act 2018(a) a party may appeal to the Supreme Court from a decision of the Court of Appeal on a reference to that court under either of those sections. See also Part 41.”; and”

- (d) in Schedule 1, which substitutes Part 9 of the Criminal Procedure Rules 2020, in rule 9.5(1)(c) of that substituted Part—
- (i) omit sub-paragraph (ii),
 - (ii) renumber sub-paragraphs (iii) to (viii) as (ii) to (vii) respectively;
- (e) in Schedule 2 for paragraph 5 substitute—
- “5.** In rule 24.11 (Procedure if the court convicts), in the final paragraph of the note to the rule for “9.15” substitute “9.24”.”.

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I allow these Rules, which shall come into force in accordance with rules 2 and 3.

20th January 2025

Shabana Mahmood
Lord Chancellor
Ministry of Justice

(a) 2018 c. 16; sections 6A and 6B are inserted by section 6 of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28) with effect from a date to be appointed.

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 17	Rule 17.1 is amended to remove the conflation of a witness, ordinarily meaning a person who attends court to give evidence or to produce documents, with a bank which is ordered to permit the inspection and copying of bank documents. Rule 17.3 is amended explicitly to require that an application for such an order must be in writing. Rule 17.5 is amended to remove an exception to that rule which the amendment to rule 17.1 renders superfluous. Rule 17.7 is amended explicitly to include a bank ordered to permit the inspection and copying of records as a potential applicant for the withdrawal of such an order.
Part 20	Rule 20.2 is amended more closely to align with section 117 of the Criminal Justice Act 2003 the description of certain evidence of which notice must be given.
Part 30	Rule 30.5 is amended to clarify the availability of a magistrates' court's power to reduce the amount of a fine.
Part 38	Rules 38.2 and 38.5 are amended to accommodate the possibility of a prosecutor's absence on the occasion on which a court makes a ruling susceptible to appeal under section 58 of the Criminal Justice Act 2003.
Part 45	Rules 45.2 and 45.7 are amended to extend to receivership proceedings to which Part 33 applies the same costs provisions as apply to applications to make, vary or discharge a restraint order.
Part 48	Rule 48.2 is amended to require publication of an announcement of the court's decision where it finds a contempt of court. Rule 48.5 is amended (i) to clarify the sequence in which the steps required by the rule are to be taken, (ii) to include supplementary provision about the unlawful misuse of a recording device or of a camera in the courtroom, and (iii) to include explicit references to powers of detention and bail. Rule 48.6 is amended for consistency of expression with other rules and to distinguish between decisions taken under rule 48.5 and those taken where rule 48.6 applies. Rule 48.7 is amended (i) to impose an obligation on court staff, under judicial superintendence, to prepare a written statement for the purposes of a postponed enquiry, and (ii) to include elaborated requirements for notice and warnings where an enquiry is postponed. Rule 48.8 is amended to clarify the reference to the evidence of contempt of which the court may take account on a postponed enquiry.

Corrections. Rule 9.15 of the Criminal Procedure Rules is amended to correct a cross-reference. Rule 33.26 is amended to include an amendment omitted from the Criminal Procedure (Amendment) Rules 2024, S.I. 2024/62.

These Rules also amend the Criminal Procedure (Amendment No. 2) Rules 2024, S.I. 2024/842, to correct the following amendments made by those rules which have yet to come into force—

- (a) the amendment to rule 41.4 of the Criminal Procedure Rules which affects the circumstances in which that rule applies;
- (b) the amendment to the note to rule 43.1 of the Criminal Procedure Rules which adds an entry to the list of potential appeals from the Court of Appeal to the Supreme Court;
- (c) new rule 9.5(1)(c) of the Criminal Procedure Rules, as substituted by Schedule 1 to the Criminal Procedure (Amendment No. 2) Rules 2024, which lists the information that magistrates' courts' staff must provide for the Crown Court when a case is sent there for trial; and

- (d) an amendment to rule 24.11 of the Criminal Procedure Rules listed in Schedule 2 to the Criminal Procedure (Amendment No. 2) Rules 2024 which corrects a cross-reference.

These Rules come into force in accordance with rules 2 and 3, so that—

- (a) the amendments that make corrections in the Criminal Procedure Rules and in the Criminal Procedure (Amendment No. 2) Rules 2024 come into force on 24th February 2025; and
- (b) the amendments that make other changes to the Criminal Procedure Rules come into force on 7th April 2025.

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