

CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 17th MARCH, 2023 at 1.30 p.m.

MINISTRY OF JUSTICE
102 PETTY FRANCE, LONDON SW1
and by video conference

MINUTES

Present

Committee members

Lord Justice Holroyde	Court of Appeal judge; deputy chairman of the Committee; chairman of the meeting
Lord Justice William Davis	Court of Appeal judge
HH Judge Field KC	Circuit judge
HH Judge Norton	Circuit judge
Michael Snow	District Judge (Magistrates' Courts)
Louise Bryant	Lay justice
Max Hill KC	Director of Public Prosecutions
Alison Pople KC	Barrister
Paul Jarvis	Barrister
Edmund Smyth	Solicitor
Nicholas Ephgrave	National Police Chiefs' Council

Guests

Charlotte Threipland	APPEAL
Tara Casey	APPEAL

Agenda item 1: welcome, announcements, apologies

The chairman welcomed all those attending, in person and by video conference. He welcomed in particular Charlotte Threipland and Tara Casey of APPEAL, attending for the discussion of item 4.

Apologies for absence were received from Mrs Justice Foster and Shade Abiodun.

Agenda item 2: draft minutes of the meeting on 3rd February, 2023

The minutes were adopted, subject to any corrections to be notified by members to the secretary. Matters arising were (a) publication since the February meeting of a live link application form (February item 3), and (b) circulation since the February meeting of an invitation to comment on amendments to the rules about applications for change of legal aid representative (February item 11).

Agenda item 3: case management group report

In the absence of Mrs Justice Foster, Lord Justice Holroyde reported that the group had discussed:

- 1) a brief report of progress in the piloting of applications for overseas production orders. The experience gained would be discussed more fully on a future occasion, in principle at the meeting on 9th June, 2023.
- 2) the production of a version of the magistrates' courts Preparation for Effective trial form that would be capable of accommodating more than one defendant. The group had agreed that it was desirable as soon as possible to produce and publish a multi-defendant PET form in addition to the current single defendant version, pending introduction of corresponding CJS Common Platform online arrangements.
- 3) the draft new Part 9 rules the subject also of this meeting's agenda item 5. The group had:
 - a) received and welcomed three diagrammatic flow charts;
 - b) discussed aspects of the process described in the paper for this meeting; and
 - c) recommended that a small working group should be convened as soon as possible to discuss the new rules in detail.

Agenda item 4 (paper (23)14): concerns about the single justice procedure

Charlotte Threipland and Tara Casey of APPEAL summarised the principal points made by the paper for the Committee and answered members' questions. The chairman recorded the Committee's gratitude to them and to Penelope Gibbs of Transform Justice.

The Committee:

- 1) agreed that resolution of most of the concerns expressed lay beyond the Committee's powers;
- 2) agreed that the example of a single justice procedure notice to which the paper drew attention was not satisfactory;
- 3) received a report that a group convened by HM Courts and Tribunals Service, including representatives of the JCS, the professional body for magistrates' legal advisers, had devised, consulted on and was preparing to adopt a new template for single justice procedure notices issued by prosecutors;
- 4) welcomed that report; and
- 5) agreed to consider that template.

Agenda item 5 (paper (23)15): implementation of online written procedures for allocation and sending

The Committee:

- 1) accepted the recommendation of the case management group that a working group should be convened to discuss the new rules in detail;
- 2) settled the group's membership and directed the Committee secretary to arrange meetings of that group; and
- 3) directed that in the meantime any questions or comments on the draft rules should be sent to the secretary.

Agenda item 6 (paper (23)16): implementation of online conviction option in single justice procedure cases

The Committee approved the proposed rule amendments.

Agenda item 7 (paper (23)17): publication of information about online proceedings

The Committee directed (i) additions to the draft rule amendments to require the publication of more information about online proceedings, and (ii) resubmission of the paper to the next meeting.

Agenda item 8 (paper (23)18): reception of defendant in custody after charge, etc.

The Committee approved in principle the proposed rule amendments but subject to it being made a general rule under rule 14.17 that a defendant arrested on a warrant issued by the Crown Court should be taken to the Crown Court, not to a magistrates' court.

Agenda item 9 (paper (23)19): bind over

The Committee approved the proposed rule amendments.

Agenda item 10 (paper (23)20): requirement for defendant's address

The Committee approved the proposed rule amendments.

Agenda item 11 (paper (23)21): time limit for request for information from court staff

The Committee agreed to:

- 1) retain the current 6-month time limit in rule 5.8;
- 2) include in that rule no explicit provision for applications for information to be withheld; and
- 3) further amend rule 5.12(1) as the paper suggested.

Agenda item 12 (paper (23)22): application to read a victim personal statement in a youth court

The Committee:

- 1) approved in principle the proposed rule amendments but subject to the time limit for applications becoming a "general rule"; and
- 2) agreed that current rules did not, and should not, allow authorised court officers to determine such applications.

Agenda item 13 (paper (23)23): applications to vary behaviour orders

The Committee:

- 1) approved in principle the proposal to amend rule 31.5, but not in the terms proposed. The rule should require that where a second or subsequent application was made by the same applicant in respect of the same order then the applicant must provide reasons why the application should be determined at a hearing instead of without a hearing.

- 2) agreed that the application forms should be amended correspondingly and directed that applicants should be required to give details of any previous application or applications.

Agenda item 14 (paper (23)01): Committee programme for 2023

The Committee:

- 1) noted the content of the paper;
- 2) agreed that there should be added to the programme for the coming year the consideration of a template for a single justice procedure notice;
- 3) agreed to send to the secretary such further suggestions as might arise; and
- 4) invited consideration of an index to the Criminal Procedure Rules, different to the indexes contained in text-books or achievable by text search.

Agenda item 15: other business

No other business was raised.

Dates of next meetings

Friday 28th April, 2023, and
Friday 9th June, 2023 (rule-signing meeting).

The meeting closed at 3.40pm