

# CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 9<sup>th</sup> JUNE, 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
Mrs Justice Foster	High Court judge
HH Judge Field KC	Circuit judge
HH Judge Norton	Circuit judge
Michael Snow	District Judge (Magistrates' Courts)
Louise Bryant	Lay justice
Alison Pople KC	Barrister
Paul Jarvis	Barrister
Shade Abiodun	Solicitor
Edmund Smyth	Solicitor

#### *Guests*

Paul Goldspring	Chief Magistrate
Professor Penney Lewis	Law Commission
Jessica Skinns	Law Commission
Rachel Hughes	Law Commission
Professor David Ormerod KC	University College, London

### **Agenda item 1: welcome, announcements, apologies**

The chairman welcomed all those attending, in person and by video conference. He welcomed in particular the Chief Magistrate; Chloe Wood and Hannah Bowers of the Ministry of Justice attending for the discussion of item 7; Professor Lewis, Jessica Skinns and Rachel Hughes of the Law Commission attending for the discussion of item 8; and Simon Bartlett of the CJS Common Platform Programme. He reported the very recent appointment to the Committee of Chief Constable Rob Nixon of Leicestershire Police as representative of the National Police Chiefs' Council.

Apologies for absence were received from the Director of Public Prosecutions.

### **Agenda item 2: draft minutes of the meeting on 28<sup>th</sup> April, 2023**

The minutes were adopted, subject to any corrections to be notified by members to the secretary.

### **Agenda item 3: case management group report**

Mrs Justice Foster reported that the group had discussed:

- 1) a new form of notice of intention to apply for a serious disruption prevention order. The group had directed adjustments to be incorporated and discussed again.
- 2) a new form of application for Family Court access to a video recording of a witness' cross-examination and re-examination under section 28, Youth Justice and Criminal Evidence Act 1999. The group had agreed that guidance for applicants, standard directions and standard requirements, all derived from the draft practice directions on which the Committee had consulted in 2022, should be included to ensure the prompt availability of that information. The form would be further discussed by the joint criminal / family judicial working group chaired by Lord Justice William Davis and Ms Justice Russell.
- 3) final adjustments to amendments to the live link direction application form, subject to the incorporation of which adjustments the form now would be submitted to the Lord Chief Justice for his authority for its publication.
- 4) final adjustments to amendments to the medical report commissioning directions forms. Subject to including the internet address of new guidance for authors of medical reports the amended forms now would be submitted to the Lord Chief Justice for his authority for their publication.
- 5) final adjustments to new versions of the magistrates' courts Preparation for Effective trial form and youth court equivalent capable of accommodating information about the cases of three defendants. Notwithstanding the now imminent introduction of CJS Common Platform online arrangements the group had agreed that these forms should also be made available and they now would be submitted to the Lord Chief Justice for his authority for their publication.

### **Agenda item 4 (papers (23)39 & 46): signature of the Criminal Procedure (Amendment No. 2) Rules 2023**

After discussion of agenda items 5 and 6, beneath, and after review of the additions and corrections listed in paper (23)46, each member attending indicated assent to the statutory instrument (Lord Justice Holroyde, Lord Justice William Davis, Mrs Justice Foster, HH Judge Field KC, HH Judge Norton, District Judge (Magistrates' Courts) Snow, Mrs Bryant, the Director of Public Prosecutions (represented by Nigel Gibbs), Ms Pople KC, Mr Jarvis, Ms Abiodun and Mr Smyth). Those absent had indicated assent separately (the Lord Chief Justice and Mr Lidington).

### **Agenda item 5 (paper (23)40): serious disruption prevention orders**

The Committee: approved the proposed rule amendments and agreed that the amendments should be included in the Criminal Procedure (Amendment No. 2) Rules 2023.

### **Agenda item 6 (paper (23)41): omission of offence from court door lists**

The Committee agreed that in all the circumstances the open justice principle did not require the inclusion of the alleged offence in door lists in court buildings; approved the proposed rule amendments; and agreed that the amendments should be included in the Criminal Procedure (Amendment No. 2) Rules 2023.

**Agenda item 7 (paper (23)42): IDVAs and ISVAs**

Committee members discussed advisors' role and responsibilities and the effects and expression of the proposed rules. They agreed that advisors' role and responsibilities rendered their position distinct from that of untrained witness companions. They agreed in principle that in the interests of clarity rules should identify conduct, for example witness coaching, that an advisor must avoid. They doubted the desirability or practicality of the proposed requirement for formal notice of an advisor's participation. The Committee directed the preparation of differently constructed draft rules for further discussion at the next meeting.

**Agenda item 8 (paper (23)43): Law Commission consultation on evidence in sexual offences prosecutions**

Professor Lewis introduced the consultation paper and answered members' questions.

**Agenda item 9 (paper (23)44): Ministry of Justice call for evidence on open justice**

The Committee noted the invitation for views.

**Agenda item 10 (paper (23)45): an index for the Criminal Procedure Rules**

The Committee urged the preparation of an index and received gratefully two offers of assistance that would be pursued.

**Agenda item 11: other business**

This having been the last Committee meeting to be attended by Louise Bryant JP, the chairman and others expressed the Committee's gratitude to her for her many contributions to its work.

**Dates of next meetings**

Friday 14<sup>th</sup> July, 2023, and  
Friday 6<sup>th</sup> October, 2023.

The meeting closed at 3.35pm