

# CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 2<sup>nd</sup> FEBRUARY, 2024 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 chair of the Committee; chair 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)
David Barrand	Magistrate
Amy McEvoy	Justices' legal adviser
Alison Pople KC	Barrister
Paul Jarvis	Barrister
Shade Abiodun	Solicitor
Edmund Smyth	Solicitor
Chief Constable Rob Nixon QPM	National Police Chiefs' Council
Rebecca White	Voluntary organisation representative
Robert Thomas	Voluntary organisation representative

#### *Guests*

Professor David Ormerod KC	University College, London
Danny Fischbach	CJS Common Platform Programme

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

The chair welcomed all those attending, in person and by video conference. He drew attention to the publication on 19<sup>th</sup> January, 2024, of the Criminal Procedure (Amendment) Rules 2024, the rules made by the Committee at the previous meeting.

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

### **Agenda item 2: draft minutes of the meeting on 8<sup>th</sup> December, 2023**

The draft 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 considered three forms:

- 1) the form of application for a special measures direction. Discussion had been prompted by the circulation of HM Courts and Tribunals Service guidance on “screening the screens” to prevent the defendant from watching a witness who gave evidence by live link. The group had discussed:
  - a) the question of whether, however desirable it might be, it would be lawful to prevent the defendant from watching a witness during the pre-trial video recording of cross-examination, having regard to the statutory provision. The question would be raised with the group overseeing the use of that special measure, chaired by the Senior Presiding Judge.
  - b) a number of detailed adjustments. The group had directed a complete revision of the form, to include amendments the better to accommodate “screening the screens” and others to bring the form up to date.
- 2) a draft new form of notice for use by a defendant subject to confiscation proceedings in order to alert a third party said by the defendant to have a shared property interest. The group had directed a number of detailed adjustments.
- 3) a draft new form of preparation for effective trial in proceedings for breach of a community order or post-sentence supervision order. The group had welcomed the clarity of the proposed form; had directed a few detailed adjustments to the form and to the draft accompanying guidance; and had acknowledged that there would be no corresponding Common Platform online provision in the near future.

### **Agenda item 4 (paper (24)01): Committee programme for 2024**

The Committee:

- 1) briefly reviewed work completed during 2023;
- 2) noted suggestions for future work and agreed to send to the secretary such further suggestions as might arise; and
- 3) discussed, among other subjects, (i) press and other reports of concern about the single justice procedure, and (ii) the use made of victim personal statements and the potential for encouraging their more frequent use.

### **Agenda item 5 (paper (24)02): prohibited steps orders on conviction**

The Committee:

- 1) noted that the provisional draft rule amendments anticipated the outcome of Parliamentary debate on the Victims and Prisoners Bill and were not for adoption yet;
- 2) discussed the relevant provisions of the Bill; and
- 3) directed a rearrangement of the draft rule amendments to separate them from existing provision, which should remain distinct.

**Agenda item 6 (paper (24)03): confidential sentencing texts, revised draft rules**

The Committee discussed and approved the proposed rule amendments, as now adjusted, for inclusion in the Amendment Rules to be made in June.

**Agenda item 7 (paper (24)04): serious crime prevention orders on acquittal**

The Committee:

- 1) noted that the provisional draft rule amendments anticipated the outcome of Parliamentary debate on the Criminal Justice Bill and were not for adoption yet;
- 2) discussed the relevant provisions of the Bill; and
- 3) approved the proposed rule amendments in principle.

**Agenda item 8 (papers (24)05 and (13)27): retention of fingerprints, etc.**

The Committee discussed and approved the proposed consequential rule amendments for inclusion in the Amendment Rules to be made in June.

**Agenda item 9 (paper (24)06): contempt of court**

The Committee:

- 1) considered the tentative draft rule amendments, acknowledging the legal and practical difficulties inherent in the circumstances for which they aspired to provide;
- 2) questioned the application to magistrates' courts of the advisory note on which the draft rule amendments had been based and questioned accordingly the proposed provision for magistrates' courts in the draft rule amendments;
- 3) questioned the legal and practical sufficiency of the draft rules in relation to court security officers, where such officers were available;
- 4) discussed the extent of inherent powers possessed by senior courts to detain and recall alleged contemnors;
- 5) received an oral report that a review of security and of capacity to respond to, especially, violent contempt in the face of the court was being undertaken by the Senior Presiding Judge, to whom the Committee's discussion would be reported; and
- 6) directed a rewriting of the draft rule amendments accordingly.

**Agenda item 10 (paper (24)07): extradition appeal; requirements for documents; sufficiency of appeal notices; sanctions for incomplete notices**

The Committee:

- 1) considered the tentative draft rule amendments;
- 2) approved in principle the aspiration to encourage the prompt progress and just determination of appeal proceedings by the supply of adequate information to the High Court
- 3) noted the need for a clear determination of proceedings to establish a starting point for the statutory time limit within which the fugitive defendant must be either removed or discharged;

- 4) questioned the legal effect of rejecting an appeal notice for lack of relevant documents; and
- 5) asked for the matter to be discussed again with the judge in charge of the Administrative Court before adjusting the draft rule amendments accordingly.

**Agenda item 11: other business**

No other business was raised.

**Dates of next meetings**

Friday 15<sup>th</sup> March, 2024; and  
Friday 26<sup>th</sup> April, 2024.

The meeting closed at 3.10pm.