

CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 26th APRIL, 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
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
Paul Jarvis	Barrister
Shade Abiodun	Solicitor
Edmund Smyth	Solicitor
Robert Thomas	Voluntary organisation representative

Guests

Paul Goldspring	Senior District Judge, Chief Magistrate
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.

Apologies for absence were received from Mrs Justice Foster, the Director of Public Prosecutions, Alison Pople KC, Chief Constable Rob Nixon QPM and Rebecca White.

Agenda item 2: draft minutes of the meeting on 15th March, 2024

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

Agenda item 3: case management group report

Lord Justice Holroyde reported that the group had considered:

- 1) a rearranged form of application for a special measures direction. The draft would be further adjusted the better to accommodate separate provision for young witnesses. Prosecutors who would use the form would be consulted.

The group had remarked that the need for special measures for defence witnesses, including young witnesses, sometimes was overlooked by defence representatives.

- 2) forms of appeal notice for use by protected persons, or by police, who wished to challenge the variation or discharge of a domestic abuse protection order. It had been pointed out that the arrangements for service of such appeals should correspond with those for the service of applications to vary or to discharge an order, to avoid the need for correspondence between a defendant and a protected person.
- 3) a further revised draft form of notice for use by a defendant in confiscation proceedings, to alert a third party said by the defendant to have a shared property interest. The group had endorsed the draft for submission to the Lady Chief Justice.
- 4) the current form of application for an extension of pre-charge bail, and plans by HM Courts and Tribunals Service for its revision.

Agenda item 4 (paper (24)19): issue of summons by court staff to attend breach proceedings in the Crown Court

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

Agenda item 5 (paper (24)20): time for service of extradition appeal notice by electronic means

The Committee:

- 1) discussed and approved the proposed rule amendments for inclusion in the Amendment Rules to be made in June; but
- 2) agreed to review the operation of the rules about service in other instances in which a statutory time limit applied which could not be extended by the court.

Agenda item 6 (paper (24)21): supply to the public and publication of offence and bail details

Agenda item 7 (paper (24)22): application for the withholding of information otherwise to be supplied by court staff

The Committee discussed these items together. Members:

- 1) considered the effect of reporting restrictions on information given in court;
- 2) considered the diminution in information available to the public in consequence of proceedings online;
- 3) considered the possibility that a procedure rule acknowledging the court's jurisdiction to entertain an application to withhold information might encourage such applications; and
- 4) approved the proposed rule amendments for inclusion in the Amendment Rules to be made in June, subject to:
 - (i) alignment of references to offences in rules 5.8(4), 5.11(2) and 5.11(5) ("the statement of each alleged offence (but not the particulars of offence"),

- (ii) elaboration of the requirements for an application to withhold information under rule 5.8(8) (“(b) the application must specify (i) the information to which the applicant wants the prohibition to apply; (ii) the reasons why that information affects that party or person; and (iii) the reasons why the applicant wants the court to prohibit the supply of that information without the court’s permission”), and
- (iii) elaboration of the requirements in rule 5.10(2) for service of a request for information under rule 5.8 or 5.9 (“The court officer must (a) serve a request for information on a party or person likely to be affected by it, including (i) the applicant for any direction, order or warrant that the request concerns which was made or issued in the absence of the party or person making the request, (ii) the applicant under rule 5.8(8) for a prohibition that affects the request (or may do so, where that application has yet to be determined), (iii) anyone else, and to such extent, as the court directs”).

Agenda item 8 (paper (24)23): sending for trial of connected offences

The Committee:

- 1) discussed the proposed further amendments to new rule 9.2(2), (3), (4) set out in annexe (24)23(a) 230424; and
- 2) approved those amendments for inclusion in the Amendment Rules to be made in June, subject to the substitution of “but” for “and” in (3)(b) and (4)(a)(ii).

Agenda item 9 (paper (24)24): costs in receivership proceedings

The Committee postponed consideration of this proposal.

Agenda item 10 (paper (24)25): contempt of court, revised rule amendments

The Committee:

- 1) remarked upon and discussed recent developments in the law of contempt;
- 2) considered the availability and sufficiency of relevant guidance for the Crown Court and magistrates’ courts;
- 3) considered the desirability of amendments to current rules; and
- 4) agreed further to adjust the most recent proposed amendments for subsequent discussion among senior judges, without yet amending the current rules.

Agenda item 11 (paper (24)26): miscellaneous rule corrections

The Committee:

- 1) agreed to make the first and second suggested corrections listed in the paper;
- 2) agreed that the Rules had no power to provide for the making of costs orders on an application under section 59 of the Criminal Justice and Police Act 2001.

Agenda item 12 (paper (24)27): content of the June Amendment Rules

The Committee approved the proposed content of the next Amendment Rules, subject to exclusion for the time being of amendments to rules about (i) costs in receivership proceedings, and (ii) contempt of court.

Agenda item 13: other business

None was raised.

Dates of next meetings

Friday 7th June, 2024; and
Friday 12th July, 2024.

The meeting closed at 3.10pm.