

# CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 12<sup>th</sup> JULY, 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 Norton	Circuit judge
Michael Snow	District Judge (Magistrates' Courts)
David Barrand	Magistrate
Amy McEvoy	Justices' legal adviser
Stephen Parkinson	Director of Public Prosecutions
Alison Pople KC	Barrister
Paul Jarvis	Barrister
Shade Abiodun	Solicitor
Edmund Smyth	Solicitor
Rebecca White	Voluntary organisation representative

#### *Guests*

Paul Goldspring	Senior District Judge, Chief Magistrate
Michael Oliver	District Judge (Magistrates' Courts)
Professor David Ormerod KC	University College, London
Professor Cheryl Thomas KC	University College, London
Sara Lawson KC	Serious Fraud Office
Simon Hussellbee	Health and Safety Executive
Amy Atkin	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 HH Judge Field KC, Chief Constable Rob Nixon QPM and Robert Thomas.

### **Agenda item 2: draft minutes of the meeting on 7<sup>th</sup> June, 2024**

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

Arising from:

- (a) item 2 of the minutes (matters arising – contempt of court), the draft rules had been discussed by the senior judicial Criminal Justice Team and would be restored to the Committee agenda in the autumn; and
- (b) item 4 of the minutes (signature of the Criminal Procedure (Amendment No. 2) Rules 2024), the submission of the rules to the Lord Chancellor and to Parliament had been delayed by the general election but now would proceed.

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

Mrs Justice Foster reported that the group had considered:

- 1) the draft form of application for a special measures direction which the group had discussed at previous meetings. Subject to the addition of one further section heading, the group had endorsed the draft for submission to the Lady Chief Justice for authority for its publication.
- 2) an uncontroversial minor amendment to the form of notice of hearsay evidence which the group also had endorsed.
- 3) an amendment to the notice of application for a production order which the group had endorsed, adjusted explicitly to require the applicant to notify the respondent of any hearing that might be convened.
- 4) the final versions of a number of forms for use on appeal against the decision of a magistrates' court in relation to a domestic abuse protection order, with which the group was content.

### **Agenda item 4 (paper (24)41): publication of single justice procedure plea information**

The Committee considered the suggestion that plea indications in single justice procedure cases should be published generally and acknowledged concerns about transparency in such proceedings. However, the Committee concluded that the reasons for maintaining the status quo outweighed the suggested reasons to depart from it, after extended discussion of (i) the data protection concerns described in the paper, (ii) the infrequency of such plea indications, and (iii) the potential for such a plea indication to be given after publication of the information available at the time of publication.

### **Agenda item 5 (paper (24)42): production of a defendant or witness from custody by direction or order**

The Committee:

- 1) discussed reports of the confusion that might arise in the circumstances described in the paper and as to attendance in person or by video link;
- 2) considered a proposal by rule to divide responsibilities between the parties and court staff;
- 3) concluded that such provision would not necessarily obviate the practical difficulties likely to arise, especially in a case in which the defendant was not represented;
- 4) directed that enquiry should be made into the possibility of devising a process to be adopted by HM Courts and Tribunals Service in consultation with HM Prisons and Probation Service; and

- 5) directed that enquiry should be made into the process used in civil and family proceedings for the production of participants from custody, with a view to achieving a practice consistent in all jurisdictions to help avoid confusion.

**Agenda item 6 (paper (24)43): direction to pay expenses on service of witness summons**

The Committee:

- 1) discussed the circumstances in which a prosecutor might or might not wish to enforce the attendance of a witness and the rarity of the issue of a witness warrant;
- 2) considered the possibility of amending the proposed draft rule to require payment of a witness' expenses on service of a witness summons in all but excepted circumstances, to be defined; and
- 3) acknowledging that opinion among members was divided, concluded that at present no rule amendment should be made.

**Agenda item 7 (paper (24)44): absence of prosecutor at the time of a ruling that may be appealed**

The Committee approved the proposed rule amendment.

**Agenda item 8 (paper (24)45): application for an entry warrant under the Building Safety Act 2022 or other legislation**

The Committee considered the nature of applications for entry warrants and after extended discussion concluded that:

- 1) such applications rarely would be in a criminal cause or matter, notwithstanding the possibility (sometimes remote) that a criminal investigation and prosecution might eventuate; and
- 2) applications for such warrants would be better accommodated by magistrates' courts civil rules, using forms issued for use with those rules, which rules and forms the Committee encouraged.

**Agenda item 9: other business**

- 1) the Committee received paper (24)46 and Mr Barrant reported on the progress made with the preparation of an index to the Criminal Procedure Rules. He asked for any written views on, and suggestions for, in particular, the proposed use of categories of reference as shown in the annexe to the paper.
- 2) this having been the last Committee meeting to be attended by District Judge (Magistrates' Courts) Snow and Alison Pople KC, the chair and others expressed the Committee's gratitude to them for their many contributions to its work.

**Dates of next meetings**

Friday 4<sup>th</sup> October, 2024; and  
Friday 8<sup>th</sup> November, 2024.

The meeting closed at 3.15pm.