

**Crown Court Rules 1982**  
**SI 1982 No 1109 (as amended)**

*This text is up to date to December 2024.*

***Part I Introduction***

**1 Citation, commencement, revocations and transitionals**

- (1) These Rules may be cited as the Crown Court Rules 1982 and shall come into operation on 1st October 1982.
- (2) Subject to paragraph (3), the instruments specified in Schedule 1 are hereby revoked.
- (3) The transitional provisions in Schedule 2 shall have effect.

**2 Interpretation**

- (1) In these Rules, unless the context otherwise requires, any reference to a judge is a reference to a judge of the High Court or a Circuit judge or a Recorder; “justice” means a justice of the peace; and “Taxing Master” means a Master of the Supreme Court (Taxing Office).
- (2) In these Rules any reference to a Rule or Schedule shall be construed as a reference to a Rule contained in these Rules or, as the case may be, to a Schedule thereto; and any reference in a Rule to a paragraph shall be construed as a reference to a paragraph of that Rule.
- (3) In these Rules—
  - “domestic abuse protection order” has the same meaning as in section 27 of the Domestic Abuse Act 2021 (meaning of “domestic abuse protection order”);
  - “live link” means an arrangement by which—
    - (a) a person (P) taking part in proceedings can hear, or can see and hear, every other person taking part in those proceedings who is not in the same location as P; and
    - (b) all those other people can hear, or can see and hear, P.

***Part II Justices as judges of the Crown Court***

...

**4 Dispensation for special circumstances**

- (1) The Crown Court may enter on any appeal . . . notwithstanding that the Court is not constituted as required by section 74(1) of the Senior Courts Act 1981 . . . if it appears to the judge that the Court could not be constituted without unreasonable delay and the Court includes—
  - (a) in a case to which paragraph (2) of that Rule applies, at least two justices each of whom is a member of a committee specified in that paragraph, provided that the Court includes a justice for the local justice area so specified and a justice for some other area;
  - (b) in a case to which paragraph (3) of that Rule applies, at least two justices including a justice for the local justice area so specified and a justice for some other area;
  - (c) in a case to which paragraph (4) of that Rule applies, one justice who is a member of a youth court panel;
  - (d) in a case to which paragraph (5) of that Rule applies, one justice who is a member of a domestic court panel;

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- (e) in any other case, one justice:

Provided that the judge may sit without one or both of the justices required by sub-paragraphs (a) and (b) above if the parties appearing at the hearing of the appeal agree.

- (2) . . .

- (3) The Crown Court may at any stage continue with any proceedings with a Court from which any one or more of the justices initially comprising the Court has withdrawn, or is absent for any reason.

## **5 Disqualifications**

A justice of the peace shall not sit in the Crown Court on the hearing of an appeal in a matter on which he adjudicated.

### *Part IIA Case management*

#### **5A Case management**

- (1) The court must actively manage the case. That includes—
  - (a) the early identification of the real issues;
  - (b) the early identification of the needs of witnesses;
  - (c) achieving certainty as to what must be done, by whom and when, in particular by the early setting of a timetable for the progress of the case;
  - (d) monitoring the progress of the case and compliance with directions;
  - (e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;
  - (f) discouraging delay, dealing with as many aspects of the case as possible on the same occasion and avoiding unnecessary hearings;
  - (g) encouraging the participants to co-operate in the progression of the case; and
  - (h) making use of technology.
- (2) The court must actively manage the case by giving any direction appropriate to the needs of that case as early as possible.
- (3) Each party must—
  - (a) actively assist the court in managing the case without, or if necessary with, a direction; and
  - (b) apply for a direction if needed to assist with the management of the case.
- (4) At the beginning of the case each party must, unless the court otherwise directs-
  - (a) nominate an individual responsible for progressing that case; and
  - (b) tell other parties and the court who he is and how to contact him.
- (5) In fulfilling its duty under paragraphs (1) and (2), the court must where appropriate-
  - (a) nominate a court officer responsible for progressing the case; and
  - (b) make sure the parties know who he is and how to contact him.
- (6) In this rule a person nominated under paragraphs (4) and (5) is called a case progression officer. A case progression officer must-
  - (a) monitor compliance with directions;
  - (b) make sure that the court is kept informed of events that may affect the progress of that case;

- (c) make sure that he can be contacted promptly about the case during ordinary business hours;
  - (d) act promptly and reasonably in response to communications about the case; and
  - (e) if he will be unavailable, appoint a substitute to fulfil his duties and inform the other case progression officers
- (7) In fulfilling its duty under paragraph (1) actively to manage the case the court may give any direction and take any step unless that direction or step would be inconsistent with legislation, including these Rules. In particular, the court may—
- (a) nominate a judge to manage the case;
  - (b) give a direction on its own initiative or on application by a party;
  - (c) ask or allow a party to propose a direction;
  - (d) for the purpose of giving directions, receive applications and representations by letter, by telephone or by any other means of electronic communication, and conduct a hearing by such means;
  - (e) give a direction without a hearing;
  - (f) fix, postpone, bring forward, extend or cancel a hearing;
  - (g) shorten or extend (even after it has expired) a time limit fixed by a direction;
  - (h) require that issues in the case should be determined separately, and decide in what order they will be determined; and
  - (i) specify the consequences of failing to comply with a direction.
- (8) Any power to give a direction under this rule includes a power to vary or revoke that direction.
- (9) A party may apply to vary a direction if—
- (a) the court gave it without a hearing;
  - (b) the court gave it at a hearing in that party's absence; or
  - (c) circumstances have changed.
- (10) A party who applies to vary a direction must—
- (a) apply as soon as practicable after becoming aware of the grounds for doing so; and
  - (b) give as much notice to the other parties as the nature and urgency of the application permits.
- (11) The parties may agree to vary a time limit fixed by a direction, but only if—
- (a) the variation will not—
    - (i) affect the date of any hearing that has been fixed, or
    - (ii) significantly affect the progress of the case in any other way;
  - (b) the court has not prohibited variation by agreement; and
  - (c) the court's case progression officer is promptly informed.
- (12) The court's case progression officer must refer any agreement by the parties to vary a time limit under paragraph (11) to the court if he doubts the condition in paragraph (11) is satisfied.
- (13) At every hearing, if a case cannot be concluded there and then the court must give directions so that it can be concluded at the next hearing or as soon as possible after that.
- (14) At every hearing the court must, where relevant—
- (a) if a party is absent, decide whether to proceed nonetheless;

- (b) set, follow or revise a timetable for the progress of the case, which may include a timetable for any hearing;
  - (c) in giving directions, ensure continuity in relation to the court and to the parties' representatives where that is appropriate and practicable; and
  - (d) where a direction has not been complied with, find out why, identify who was responsible, and take appropriate action.
- (15) In fulfilling his duty under paragraph (3) actively to assist the court in managing the case, each party must—
- (a) comply with directions given by the court;
  - (b) take every reasonable step to make sure that that party's witnesses will attend when they are needed;
  - (c) make appropriate arrangements to present any written or other material; and
  - (d) promptly inform the court and the other parties of anything that may—
    - (i) affect the date or duration of any hearing, or
    - (ii) significantly affect the progress of the case in any other way.
- (16) The court may require a party to give a certificate of readiness.
- (17) In order to manage the case—
- (a) the court must establish, with the active assistance of the parties, what disputed issues they intend to explore; and
  - (b) the court may require a party to identify—
    - (i) which witnesses will give oral evidence,
    - (ii) the order in which those witnesses will give their evidence;
    - (iii) whether that party requires an order compelling the attendance of a witness;
    - (iv) what arrangements are desirable to facilitate the giving of evidence by a witness;
    - (v) what arrangements are desirable to facilitate the participation of any other person;
    - (vi) what written evidence that party intends to introduce;
    - (vii) what other material, if any, that party intends to make available to the court in the presentation of the case;
    - (viii) whether that party intends to raise any point of law that could affect the conduct of the case; and
    - (ix) what timetable that party proposes and expects to follow.
- (18) The court must make available to the parties a record of directions given.

**5B Live links**

- (1) The court may exercise its power to allow or require anyone, including any member or members of the court, to take part in proceedings by live link—
- (a) on application or on the court's own initiative; and
  - (b) as long as the court is satisfied that it is in the interests of justice to exercise that power in that way.
- (2) Unless the court otherwise directs—
- (a) a person who takes part in proceedings by live link must be treated as present; and

(b) where a member of the court takes part in proceedings by live link those proceedings must be treated as taking place—

- (i) at any place at which the court lawfully can sit in England and Wales, and
- (ii) at any such place as the appropriate officer of the Crown Court advertises as the place of the hearing.

### **5C Measures to help a witness to give evidence**

(1) The court may exercise its power to facilitate the giving of evidence by a witness—

- (a) on application or on the court's own initiative; and
- (b) as long as the court is satisfied that it is in the interests of justice to exercise that power in that way.

(2) An applicant for the exercise of that power must explain which one or more of the following arrangements the applicant suggests—

(a) by means of a screen or other arrangement preventing the witness from seeing, or being seen by, another person except—

- (i) any member of the court,
- (ii) any legal representative acting in the proceedings, and
- (iii) any interpreter or other person appointed to assist the witness;

(b) by means of a device allowing questions and answers to be communicated to or by the witness despite any disability, disorder or other impairment;

(c) allowing the witness to be accompanied, with directions about seating arrangements for the companion; and

(d) any other arrangement that the applicant thinks would be desirable to facilitate the giving of evidence by the witness and which the court has power to direct including any special measure that the court can direct by reason of section 49 of the Domestic Abuse Act 2021.”

## ***Part III Appeals to the Crown Court***

### **6 Application of Part III**

(1) Subject to the following provisions of this Rule, this Part of these Rules shall apply to every appeal which by or under any enactment lies to the Crown Court from any court, tribunal or person except any appeal against a decision of a magistrates' court under section 22(7) or (8) of the Prosecution of Offences Act 1985 or under section 1 of the Bail (Amendment) Act 1993.

(2) Without prejudice to Rule 7(5), this Part of these Rules shall have effect subject to the provisions of the enactments specified in Part I of Schedule 3 (being enactments which make special procedural provisions in respect of certain appeals), and those enactments shall have effect subject to the amendments set out in Part II of that Schedule (being amendments reproducing amendments made by Rule 6(2) of, and Part II of Schedule 1 to, the Crown Court Rules 1971).

### **7 Notice of appeal**

(1) An appeal shall be commenced by the appellant's giving notice of appeal in accordance with the following provisions of this Rule.

(2) The notice required by the preceding paragraph shall be in writing and shall be given—

- (a) in a case where the appeal is against a decision of a magistrates' court, to the designated officer for the magistrates' court;

- (aa) in the case of an appeal under paragraph 7 of Schedule 1 to the Anti-terrorism Crime and Security Act 2001 (“ATCSA”)—
  - (i) to any person to whom notice of the order for continued detention of cash was given in accordance with paragraph 3(4) of Schedule 1 to ATCSA and who has not been joined as a party to the case, and
  - (ii) to any person who has made an application under paragraph 9(1) of Schedule 1 to ATCSA and who has not been joined as a party to the case;
- (ab) in the case of an appeal under paragraph 10K of Schedule 1 to ATCSA—
  - (i) to any person to whom notice of the order for further detention of property was given in accordance with paragraph 10D(11) of Schedule 1 to ATCSA and who has not been joined as a party to the case, and
  - (ii) to any person who has made an application under paragraph 10O(1) of Schedule 1 to ATCSA and who has not been joined as a party to the case;
- (ac) in the case of an appeal under paragraph 10Z4 of Schedule 1 to ATCSA—
  - (i) to any person to whom notice of the account freezing order was given in accordance with paragraph 10S(5) of Schedule 1 to ATCSA and who has not been joined as a party to the case, and
  - (ii) to any person who has made an application under paragraph 10T(1)(b) or 10Z6A of Schedule 1 to ATCSA and who has not been joined as a party to the case;
- (ad) in the case of an appeal under paragraph 10Z7CG of Schedule 1 to ATCSA—
  - (i) to any person to whom notice of the order for further detention of property was given in accordance with paragraph 10Z7AC(10) or paragraph 10Z7AG(13) of Schedule 1 to ATCSA and who has not been joined as a party to the case,
  - (ii) to any person who has made an application under paragraph 10Z7CK or paragraph 10Z7CL of Schedule 1 to ATCSA and who has not been joined as a party to the case,
  - (iii) to any person to whom notice of the crypto wallet freezing order was given in accordance with paragraph 10Z7BB(8), and
  - (iv) to any person who has made an application under 10Z7BC(1)(b) of Schedule 1 to ATCSA and who has not been joined as a party to the case;
- (ae) in the case of an appeal under section 299 of the Proceeds of Crime Act 2002 (“POCA”)—
  - (i) to any person to whom notice of the order for continued detention of the cash was given in accordance with section 295(8) of POCA and who has not been joined as a party to the case, and
  - (ii) to any person who has made an application under section 301 of POCA and who has not been joined as a party to the case;
- (af) in the case of an appeal under section 303S of POCA—
  - (i) to any person to whom notice of the order for further detention of property was given in accordance with section 303L(14) of POCA and who has not been joined as a party to the case, and
  - (ii) to any person who has made an application under section 303V of POCA and who has not been joined as a party to the case;
- (ag) in the case of an appeal under section 303Z16 of POCA—
  - (i) to any person to whom notice of the account freezing order was given in accordance with section 303Z3(5) of POCA and who has not been joined as a party to the case, and
  - (ii) to any person who has made an application under section 303Z4(1)(b) or 303Z17A of POCA and who has not been joined as a party to the case;

- (ah) in the case of an appeal under section 303Z47 of POCA—
    - (i) to any person to whom notice of the order for further detention of property was given in accordance with section 303Z28(9) or section 303Z32(9) of POCA and who has not been joined as a party to the case,
    - (ii) to any person who has made an application under section 303Z50 or section 303Z51 of POCA and who has not been joined as a party to the case,
    - (iii) to any person to whom notice of the crypto wallet freezing order was given in accordance with section 303Z37(8) and who has not been joined as a party to the case, and
    - (iv) to any person who has made an application under section 303Z38(1)(b) of POCA and who has not been joined as a party to the case;]
  - (b)
  - (c) in any other case, to the appropriate officer of the Crown Court;
  - (d)
  - (e) in any case, to any other party to the appeal.
- (2A) The appellant shall notify the court that notice has been given in accordance with paragraph (2).
- (3) Notice of appeal shall be given not later than 21 days after the day on which the decision appealed against is given ...
- (4) A notice of appeal shall state—
- (a) in the case of an appeal arising out of a conviction by a magistrates' court, whether the appeal is against conviction or sentence or both; and
  - (b) in the case of an appeal under an enactment listed in Part III of Schedule 3, the grounds of appeal.
- (5) The time for giving notice of appeal (whether prescribed under paragraph (3), or under an enactment listed in Part I of Schedule 3) may be extended, either before or after it expires, by the Crown Court, on an application made in accordance with paragraph (6).
- (6) An application for an extension of time shall be made in writing, specifying the grounds of the application and sent to the appropriate officer of the Crown Court.
- (7) Where the Crown Court extends the time for giving notice of appeal, the appropriate officer of the Crown Court shall give notice of the extension to—
- (a) the appellant;
  - (b) in the case of an appeal from a decision of a magistrates' court, to the designated officer for that court;
  - (c) ...
- and the appellant shall give notice of the extension to any other party to the appeal ...

### **8 Entry of appeal and notice of hearing**

On receiving notice of appeal, the appropriate officer of the Crown Court shall enter the appeal and give notice of the time and place of the hearing to—

- (a) the appellant;
- (b) any other party to the appeal;
- (c) in the case of an appeal from a decision of a magistrates' court, to the designated officer for that court;
- (d) in the case of an appeal under section 67B or 81B of the Licensing Act 1964 from a decision of licensing justices, to the designated officer for the justices;

(e) in the case of an appeal under paragraph 7, 10K, 10Z4 or 10Z7CG of Schedule 1 to the Anti-Terrorism, Crime and Security Act 2001—

- (i) any person whom the appellant has notified to the court has been given notice of the appeal, and
- (ii) anyone else the court directs; and

(f) in the case of an appeal under section 299, 303S, 303Z16 or 303Z47 of the Proceeds of Crime Act 2002—

- (i) any person whom the appellant has notified to the court has been given notice of the appeal, and
- (ii) anyone else the court directs,]

and, in the case of an appeal against a decision of a youth court in proceedings to which Part III of the Magistrates' Courts (Children and Young Persons) Rules 1988 applies, the appellant shall give notice of the time and place of the hearing to any other person to whom notice of the appeal has been given in pursuance of Rule 7(2)(d).

### **8A Preparation for appeal hearing**

The Crown Court may conduct a preparation for appeal hearing (and if necessary more than one such hearing) where it is necessary to conduct such a hearing in order to give directions for the effective determination of the appeal.

...

### **11 Abandonment of appeal**

(1) Without prejudice to the power of the Crown Court to give leave for an appeal to be abandoned, an appellant may abandon an appeal by giving notice in writing, in accordance with the following provisions of this Rule, not later than the third day before the day fixed for hearing the appeal.

(2) The notice required by the preceding paragraph shall be given—

- (a) in a case where the appeal is against a decision of a magistrates' court, to the designated officer for the magistrates' court;
- (b) ...
- (c) in any other case, to the appropriate officer of the Crown Court; and
- (d) in any case, to any other party to the appeal ...

and, in the case of an appeal mentioned in sub-paragraph (a) ..., the appellant shall send a copy of the notice to the appropriate officer of the Crown Court.

(3) For the purposes of determining whether notice of abandonment was given in time there shall be disregarded any Saturday, Sunday and any day which is specified to be a bank holiday in England and Wales under section 1(1) of the Banking and Financial Dealings Act 1971.

### **11ZA Service of order following appeal under ATCSA or POCA**

Where the court makes any order on appeal from a magistrates' court under paragraph 7, 10K, 10Z4 or 10Z7CG of Schedule 1 to the Anti-Terrorism, Crime and Security Act 2001 or section 299, 303S, 303Z16 or 303Z47 of the Proceeds of Crime Act 2002—

- (a) the court must give copies of the order to the appellant, and
- (b) the appellant, or any other person the court directs having given that person copies of the order, must give a copy of that order to—
  - (i) any other person who was notified of the appeal in accordance with rule 7, and
  - (ii) any other person the court directs.

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*Part III Appeals under the Domestic Abuse Act 2021*

**11A Service of order**

Unless the court otherwise directs—

- (a) a domestic abuse protection order made or varied on appeal from a magistrates' court must be served on the defendant; and
- (b) service must be effected—
  - (i) by a constable or by an employee of a police authority, and
  - (ii) by handing a copy of the order to the defendant in person.

**11B Notice to responsible person of requirement for supervision or monitoring**

(1) This rule applies where a domestic abuse protection order made or varied on appeal from a magistrates' court imposes on the defendant—

- (a) a requirement to do something that specifies a person to be responsible for supervising compliance with that requirement, under section 36 of the Domestic Abuse Act 2021 (further provision about requirements that may be imposed by orders); or
- (b) an electronic monitoring requirement, under section 37 of that Act (further provision about electronic monitoring requirements).

(2) The appropriate officer of the Crown Court must—

- (a) notify the person to be responsible for the supervision or monitoring that the order has been made and provide that person with—
  - (i) the defendant's name, address and, if available, telephone number,
  - (ii) details of the requirement to be supervised or monitored,
  - (iii) the duration of the order, and
  - (iv) if applicable, details of the place at which the defendant's presence must be monitored and the period or periods during which the defendant's presence at that place must be monitored;
- (b) inform the defendant of the responsible person's identity and the means by which that person may be contacted; and
- (c) notify the responsible person of any subsequent variation or discharge of the requirement.

**11C Exclusion of requirement for notice of hearsay evidence**

Section 2(1) of the Civil Evidence Act 1995 (notice of proposal to adduce hearsay evidence) does not apply on an appeal under section 46 of the Domestic Abuse Act 2021 (appeals).

*Part IV Costs between parties in Crown Court*

**12 Jurisdiction to award costs**

(1) Subject to the provisions of section 109(1) of the Magistrates' Courts Act 1980 (power of magistrates' courts to award costs on abandonment of appeals from magistrates' courts) no party shall be entitled to recover any costs of any proceedings in the Crown Court from any other party to the proceedings except under an order of the court.

(2) Subject to the following provisions of this Rule the Crown Court may make such order for costs as it thinks just.

(3) No order for costs shall be made on the abandonment of an appeal from a magistrates' court by giving notice under Rule 11.

(4) Without prejudice to the generality of paragraph (2), the Crown Court may make an order for costs on dismissing an appeal where the appellant has failed to proceed with the appeal or on the abandonment of an appeal.

### **13 Costs in proceedings from which appeal is brought**

Where an appeal is brought to the Crown Court from the decision of a magistrates' court or a tribunal and the appeal is successful, the Crown Court may make any order as to the costs of the proceedings in the magistrates' court or tribunal which that court or tribunal had power to make.

### **14 Taxation**

(1) Where under these Rules the Crown Court has made an order for the costs of any proceedings to be paid by a party and the Court has not fixed a sum, the amount of the costs to be paid shall be ascertained as soon as practicable by the appropriate officer of the Crown Court (hereinafter referred to as the taxing authority).

(2) On a taxation under the preceding paragraph ... , there shall be allowed the costs reasonably incurred in or about the prosecution and conviction or the defence, as the case may be.

### **15 Review by taxing authority**

(1) Any party dissatisfied with the taxation of any costs by the taxing authority under ... Rule 14 may apply to the taxing authority to review his decision.

(2) The application shall be made by giving notice to the taxing authority and to any other party to the taxation within 14 days of the taxation, specifying the items in respect of which the application is made and the grounds of objection.

(3) Any party to whom notice is given under the preceding paragraph may within 14 days of the service of the notice deliver to the taxing authority answers in writing to the objections specified in that notice to the taxing authority and, if he does, shall send copies to the applicant for the review and to any other party to the taxation.

(4) The taxing authority shall reconsider his taxation in the light of the objections and answers, if any, of the parties and any oral representations made by or on their behalf and shall notify them of the result of his review.

### **16 Further review by Taxing Master**

(1) Any party dissatisfied with the result of a review of taxation under Rule 15 may, within 14 days of receiving notification thereof, request the taxing authority to supply him with reasons in writing for his decision and may within 14 days of the receipt of such reasons apply to the Chief Taxing Master for a further review and shall, in that case, give notice of the application to the taxing authority and to any other party to the taxation, to whom he shall also give a copy of the reasons given by the taxing authority.

(2) Such application shall state whether the application wishes to appear or be represented, or whether he will accept a decision given in his absence and shall be accompanied by a copy of the notice given under Rule 15, of any answer which may have been given under paragraph (3) thereof and of the reasons given by the taxing authority for his decision, together with the bill of costs and full supporting documents.

(3) A party to the taxation who receives notice of an application under this Rule shall inform the Chief Taxing Master whether he wishes to appear or be represented at a further review, or whether he will accept a decision given in his absence.

(4) The further review shall be conducted by a Taxing Master and if the applicant or any other party to the taxation has given notice of his intention to appear or be represented, the Taxing Master shall inform the parties (or their agents) of the date on which the further review will take place.

(5) Before reaching his decision the Taxing Master may consult the judge who made the order for costs and the taxing authority and, unless the Taxing Master otherwise directs, no further evidence shall be received on the hearing of the further review; and no ground of objection shall be valid which was not raised on the review under Rule 15.

(6) In making his review, the Taxing Master may alter the assessment of the taxing authority in respect of any sum allowed, whether by increase or decrease.

(7) The Taxing Master shall communicate the result of the further review to the parties and to the taxing authority.

### **17 Appeal to High Court judge**

(1) Any party dissatisfied with the result of a further review under Rule 16 may, within 14 days of receiving notification thereof, appeal by originating summons to a judge of the Queen's Bench Division of the High Court if, and only if, the Taxing Master certifies that the question to be decided involves a point of principle of general importance.

(2) On the hearing of the appeal the judge may reverse, affirm or amend the decision appealed against or make such other order as he thinks appropriate.

### **18 Supplementary provisions**

(1) On a further review or an appeal to a judge of the High Court the Taxing Master or judge may make such order as he thinks just in respect of the costs of the hearing of the further review or the appeal, as the case may be.

(2) The time prescribed by Rule 15, 16 or 17 may be extended by the taxing authority, Taxing Master or judge of the High Court on such terms as he thinks just.

## ***Part V Miscellaneous***

...

### **20 Supplementary provisions about bail**

(1) Every person who makes an application to the Crown Court relating to bail shall inform the Court of any earlier application to the High Court or the Crown Court relating to bail in the course of the same proceedings.

(2)

(3)

(4) On hearing an application for bail (other than bail in criminal proceedings) the Crown Court may order that the applicant shall be released from custody on entering into a recognizance, with or without sureties, or giving other security before—

(a) an officer of the Crown Court; or

(b) any other person authorised by virtue of section 119(1) of the Magistrates' Courts Act 1980 to take a recognizance where a magistrates' court having power to take the recognizance has, instead of taking it, fixed the amount in which the principal and his sureties, if any, are to be bound.

(5)

(6)

(7)

(8)

## **21 Estreat of recognizances**

- (1) Where a recognizance has been entered into in respect of a person granted bail to appear before the Crown Court and it appears to the Court that a default has been made in performing the conditions of the recognizance, other than by failing to appear before the Court in accordance with any such condition, the Court may order the recognizance to be estreated.
- (2) Where the Crown Court is to consider making an order under paragraph (1) for a recognizance to be estreated, the appropriate officer of the Court shall give notice to that effect to the person by whom the recognizance was entered into indicating the time and place at which the matter will be considered; and no such order shall be made before the expiry of 7 days after the notice required by this paragraph has been given.

...

## **26 Application to Crown Court to state case**

- (1) An application under section 28 of the Senior Courts Act 1981 to the Crown Court to state a case for the opinion of the High Court shall be made in writing to the appropriate officer of the Crown Court within 21 days after the date of the decision in respect of which the application is made.
- (2) The application shall state the ground on which the decision of the Crown Court is questioned.
- (3) After making the application, the applicant shall forthwith send a copy of it to the parties to the proceedings in the Crown Court.
- (4) On receipt of the application, the appropriate officer of the Crown Court shall forthwith send it to the judge who presided at the proceedings in which the decision was made.
- (5) On receipt of the application, the judge shall inform the appropriate officer of the Crown Court as to whether or not he has decided to state a case and that officer shall give notice in writing to the applicant of the judge's decision.
- (6) If the judge considers that the application is frivolous, he may refuse to state a case and shall in that case, if the applicant so requires, cause a certificate stating the reasons for the refusal to be given to him.
- (7) If the judge decides to state a case, the procedure to be followed shall, unless the judge in a particular case otherwise directs, be the procedure set out in paragraphs (8) to (12).
- (8) The applicant shall, within 21 days of receiving the notice referred to in paragraph (5), draft a case and send a copy of it to the appropriate officer of the Crown Court and to the parties to the proceedings in the Crown Court.
- (9) Each party to the proceedings in the Crown Court shall, within 21 days of receiving a copy of the draft case under paragraph (8), either—
  - (a) give notice in writing to the applicant and the appropriate officer of the Crown Court that he does not intend to take part in the proceedings before the High Court; or
  - (b) indicate in writing on the copy of the draft case that he agrees with it and send the copy to the appropriate officer of the Crown Court; or
  - (c) draft an alternative case and send it, together with the copy of the applicant's case, to the appropriate officer of the Crown Court.
- (10) The judge shall consider the applicant's draft case and any alternative draft case sent to the appropriate officer of the Crown Court under paragraph (9)(c).
- (11) If the Crown Court so orders, the applicant shall, before the case is stated and delivered to him, enter before an officer of the Crown Court into a recognizance, with or without sureties and in such sum as the Crown Court considers proper, having regard to the means of the applicant, conditioned to prosecute the appeal without delay.

- (12) The judge shall state and sign a case within 14 days after either—
- (a) the receipt of all the documents required to be sent to the appropriate officer of the Crown Court under paragraph (9); or
  - (b) the expiration of the period of 21 days referred to in that paragraph,

whichever is the sooner.

(13) A case stated by the Crown Court shall state the facts found by the Crown Court, the submissions of the parties (including any authorities relied on by the parties during the course of those submissions), the decision of the Crown Court in respect of which the application is made and the question on which the opinion of the High Court is sought.

(14) Any time limit referred to in this Rule may be extended either before or after it expires by the Crown Court.

(15) If the judge decides not to state a case but the stating of a case is subsequently required by the High Court by order of mandamus, paragraphs (7) to (14) shall apply to the stating of the case save that—

- (a) in paragraph (7) the words “If the judge decides to state a case” shall be omitted; and
- (b) in paragraph (8) for the words “receiving the notice referred to in paragraph (5)” there shall be substituted the words “the day on which the order of mandamus was made”.

## **27 Business in chambers**

(1) The jurisdiction of the Crown Court specified in the following paragraph may be exercised by a judge of the Crown Court sitting in chambers.

(2) The said jurisdiction is—

- (a) hearing applications for bail;
- (b) issuing a summons or warrant;
- (c) hearing any application relating to procedural matters preliminary or incidental to proceedings in the Crown Court, including applications relating to legal aid . . .;
- (d) jurisdiction under rule 7(7) or 26;
- (dd)
- (e)
- (f)
- (g)
- (h)

...

## **28 Service of documents**

(1) Subject to paragraph (6), a notice or other document which is required by these Rules to be given to a person may be served by—

- (a) handing it to the person in person or, where the person is a corporation, to a person holding a senior position in that corporation;
- (b) posting it to the person at an address where it is reasonably believed that the person will receive it or, where the person is a corporation, the address for service in accordance with paragraph (2);

(c) addressing it to the person and leaving it for the person at an address where it is reasonably believed that the person will receive it;

(d) where the person has given an electronic address and has not refused to accept service at that address, sending it by electronic means to the address which the person has given;

(e) where the person to be served is given access to an electronic address at which a document may be deposited and has not refused to accept service by the deposit of a document at that address, by depositing it at that address and making it possible for the recipient to read the document, or view or listen to its content, as the case may be, and notifying the recipient of the deposit of the document (which notice may be given by electronic means);

(f) where the person is in custody, sending it to his or her custodian, addressed to the person;

(g) where the person has given a document exchange (DX) box number, and has not refused to accept service by DX, addressing it to the person at that DX box number and leaving it at that document exchange;

(h) where the person is legally represented, serving it on the person's legal representative in the same manner as it could be served on the person under sub-paragraphs (a), (b), (c) and (g);

(i) where the person is legally represented and the person's legal representative has given an electronic address, sending it to that address;

(j) where the person to be served is legally represented and the legal representative is given access to an electronic address at which a document may be deposited. by depositing it at that address and making it possible for the recipient to read the document, or view or listen to its content, as the case may be, and notifying the recipient of the deposit of the document (which notice may be given by electronic means); or

(k) any other method specified by the court.

(2) Where the person is a corporation, the address for service under this rule is the person's principal office, and if there is no readily identifiable principal office, then any place where it carries on its activities or business.

(3) Where under these Rules a notice or other document is required to be served in any particular manner—

(a) the notice or document will, if served in accordance with paragraph (1), be deemed to have been as effectively served as if served in that particular manner; and

(b) if the notice or document is served in that particular manner, nothing in this rule invalidates such service.

(4) A notice or other document served in accordance with paragraph (1) shall be deemed to have been received by the person—

(a) if handed to the person or the person's legal representative in accordance with paragraph (1)(a) or (h), when so handed;

(b) if sent by electronic means in accordance with paragraph (1)(d) or (i), one day after being sent;

(c) if served in accordance with paragraph (1)(k), on a date specified by the court;

(d) in any other case, three business days after it was posted, left, or sent in accordance with paragraph (1)(b), (c), (f) or (g),

unless something different is shown.

(5) Unless something different is shown, a document produced by a computer system for dispatch by post is to be taken as having been sent by post, or the equivalent of post, to the addressee on the third business day after the day on which it was produced.

(6) This rule does not apply to a domestic abuse protection order (for which rule 11A requires service on the defendant personally).

## **29 The open justice principle**

(1) Where rules 30, 31, 32 and 33 apply, the appropriate officer of the Crown Court and the court must have regard to the importance of—

- (a) dealing with cases in public;
- (b) allowing a public hearing to be reported to the public; and
- (c) the rights of a person affected by a direction or order made, or warrant issued, by the court to understand why that decision was made.

(2) In rules 32 and 33 this requirement is called ‘the open justice principle’.

## **30 Request for information about a case**

(1) This rule applies where anyone, including a member of the public or a reporter, requests information about a case.

(2) A person requesting information must—

- (a) ask the appropriate officer of the Crown Court;
- (b) specify the information requested; and
- (c) pay any fee prescribed.

(3) The request—

- (a) may be made orally or in writing, and need not explain why the information is requested, if this rule requires the appropriate officer to supply that information; but
- (b) must be in writing, unless the court otherwise permits, and must explain why the information is requested, if this rule does not so require.

(4) Subject to paragraph (5), the appropriate officer must supply to the person making the request—

- (a) the date of a hearing in public;
- (b) in general terms, the subject of the proceedings;
- (c) the court’s decision at a hearing in public;
- (d) whether the case is under appeal;
- (e) the identity of—
  - (i) the parties,
  - (ii) the parties’ representatives, including their addresses, and
  - (iii) the judge, magistrate or magistrates, or justices’ legal adviser by whom a decision at a hearing in public was made;
- (f) such other information about the case as is required by arrangements to which paragraph (6)(c) refers; and
- (g) details of any reporting or access restriction ordered by the court.

(5) The appropriate officer must not supply the information requested if—

- (a) the supply of that information is prohibited by a reporting restriction;
- (b) that information is the date of a hearing in public of which a party has yet to be notified;
- (c) that information concerns proceedings determined by the court without notice to—
  - (i) a party to those proceedings, or

- (ii) a person affected by those proceedings; or
  - (d) that information is not readily available to the designated officer (for example, because of the location or conditions of its storage).
- (6) Where the appropriate officer must supply the information requested the supply may be—
- (a) by word of mouth;
  - (b) in writing, including by written certificate or extract from a court record; or
  - (c) by such other arrangements as the Lord Chancellor directs, including supply by electronic means.
- (7) Where this rule does not require the designated officer to supply the information requested then unless that information can be supplied under rule 31—
- (a) the appropriate officer must refer the request to the court; and
  - (b) rule 32 applies.

### **31 Request for information by a party or person directly affected by a case**

- (1) This rule applies where a party, or a person directly affected by a direction or order made or a warrant issued by the court, wants information about their case.
- (2) Such a party or person must—
- (a) ask the appropriate officer of the Crown Court;
  - (b) specify the information requested; and
  - (c) pay any fee prescribed.
- (3) The request—
- (a) may be made orally or in writing, and need not explain why the information is requested, if this rule requires the appropriate officer to supply that information; but
  - (b) must be in writing, unless the court otherwise permits, and must explain why the information is requested, if this rule does not so require.
- (4) Subject to paragraph (5), the appropriate officer must supply to the party or person making the request—
- (a) information about the terms of any direction or order made, or warrant issued, which was—
    - (i) served on, or addressed or directed to, that party or person, or
    - (ii) made on an application by that party or person; and
  - (b) information received from that party or person (which might be, for example, to establish what information the court holds, or in case of a loss of that information by the party or person making the request).
- (5) The appropriate officer must not supply the information requested if that information—
- (a) concerns the grounds on which a direction or order was made, or a warrant issued, in the absence of the party or person making the request; or
  - (b) is not readily available to the designated officer (for example, because of the location or conditions of its storage).
- (6) Where the appropriate officer must supply the information requested the supply may be, at the choice of the party or person making the request—
- (a) by word of mouth;
  - (b) in writing, including by written certificate or extract from a court record; or



- (c) by a copy of a document served by, or on, that party or person (but not of a document not so served).
- (7) Where this rule does not require the appropriate officer to supply the information requested—
- (a) the appropriate officer must refer the request to the court; and
  - (b) rule 32 applies.

### **32 Request for information determined by the court**

(1) This rule applies where the appropriate officer of the Crown Court refers to the court a request for information under rule 30 (request for information about a case) or rule 31 (request for information by a party or person directly affected by a case).

(2) The appropriate officer must—

(a) serve the request on—

- (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, and
- (ii) anyone else, and to such extent, as the court directs; and

(b) notify the party or person making the request of—

- (i) the date of its service under this rule, and
- (ii) the identity of each person served with it, if the court so directs.

(3) If a party or person served with the request objects to the supply of information requested the objector must—

- (a) give notice of the objection not more than 20 business days after service of the request, or within any longer period allowed by the court;
- (b) serve that notice on the appropriate officer and on the party or person making the request; and
- (c) if the objector wants a hearing, explain why one is needed.

(4) A notice of objection must explain—

- (a) whether the objection is to the supply of the whole of the information requested, or only to the supply of a specified part or specified parts;
- (b) whether the objection applies without limit of time, or only for a specified period (for example, until a date or event specified by the objector); and
- (c) the grounds of the objection.

(5) Where a notice of objection includes material that the objector thinks ought not be revealed to the party or person making the request, the objector must—

- (a) omit that material from the notice served on that party or person;
- (b) mark the material to show that it is only for the court; and
- (c) with that material include an explanation of why it has been withheld.

(6) The court must not determine the request, and information requested must not be supplied, until—

- (a) each party or person served with the request has had at least 20 business days, or any longer period allowed by the court, in which to object or make other representations; and
- (b) the court is satisfied that in all the circumstances every such party or person has had a reasonable opportunity to do so.

(7) The court may determine the request—

(a) without a hearing; or

(b) at a hearing, which—

(i) may be in public or private, but

(ii) must be in private, unless the court otherwise directs, where the request concerns a direction, order or warrant made or issued in the absence of the party or person making the request.

(8) Where a notice of objection includes material that the objector thinks ought not be revealed to the party or person making the request—

(a) any hearing of the request may take place, wholly or in part, in the absence of the party or person making it; and

(b) at any such hearing the general rule is that the court must consider, in the following sequence—

(i) representations first by the party or person making the request and then by the objector, in the presence of both, and then

(ii) further representations by the objector, in the absence of the party or person making the request but the court may direct other arrangements for the hearing.

(9) In deciding whether to order the supply of the information requested the court must have regard to—

(a) the open justice principle;

(b) any reporting restriction;

(c) rights and obligations under other legislation;

(d) the importance of any public interest in the withholding of that information, or in its supply only in part or subject to conditions (which public interest might be, for example, in preventing injustice, protecting others' rights, protecting the confidentiality of a criminal investigation or protecting national security); and

(e) the extent to which that information is otherwise available to the party or person making the request.

(10) Where the court orders the supply of the information requested the supply may be, at the court's direction—

(a) by word of mouth;

(b) in writing, including by written certificate or extract from a court record; or

(c) by a copy of a document.

### **33 Publication of information about court hearings**

(1) Where a case is due to be heard in public, the appropriate officer of the Crown Court must—

(a) publish the information listed in paragraph (2)—

(i) if that information is available to the designated officer, and

(ii) unless the publication of that information is prohibited by a reporting restriction; and

(b) publish that information for no longer than 5 business days—

(i) by notice displayed somewhere prominent in the vicinity of a court room in which the hearing is due to take place, and

(ii) by such arrangements as the Lord Chancellor directs, including arrangements for publication by electronic means, but only to the extent needed to comply with the open justice principle.

- (2) The information that paragraph (1) requires the appropriate officer to publish is—
- (a) the date, time and place of the hearing;
  - (b) the identity of the parties; and
  - (c) such other information as it may be practicable to publish concerning—
    - (i) the type of hearing,
    - (ii) the identity of the court,
    - (iii) in general terms, the subject of the proceedings, and
    - (iv) whether any reporting or access restriction applies.

### **Schedule 1—Revocations**

<b>Rules</b>	<b>References</b>
The Crown Court Rules 1971	SI 1971/1292
The Crown Court (References to the European Court) Rules 1972	SI 1972/1787
The Crown Court (Amendment) Rules 1976	SI 1976/1532
The Crown Court (Amendment No 2) Rules 1976	SI 1976/2164
The Crown Court (Amendment) Rules 1978	SI 1978/439

### **Schedule 2—Transitional provisions**

1. In this Schedule “the relevant date” means the date on which these Rules come into operation.
2. Where a period of time specified in a Rule revoked by these Rules is current on the relevant date, these Rules shall have effect as if the corresponding provision thereof had come into operation when that period began to run.
3. Rules 3(5) and 4(1)(d) shall not apply where a hearing of an appeal from a magistrates' court under section 8 of the Affiliation Proceedings Act 1957 has commenced before the relevant date and Rule 4 of the Crown Court Rules 1971 shall continue to apply to that hearing.
4. The proviso to Rule 7(3) shall not apply where a court has exercised its power to defer sentence under section 1(1) of the Powers of Criminal Courts Act 1973 before the relevant date and, in such a case, Rule 7(3) of the Crown Court Rules 1971 shall continue to apply to the giving of a notice of appeal against conviction by an offender.
5. Rule 23 shall not apply where an application under section 2(2) of the Criminal Procedure (Attendance of Witnesses) Act 1965 is made before the relevant date.
6. Rule 25 shall not apply in the case of an appeal against a refusal to excuse a person from jury service in the High Court in Greater London under section 9(2) of the Juries Act 1974 where notice of the appeal is given before the relevant date and Rule 20 of the Crown Court Rules 1971 shall continue to apply to that appeal.
7. Rule 26 shall not apply where an application to the Crown Court to state a case for the opinion of the High Court under section 28 of the Senior Courts Act 1981 is made before the relevant date.

### **Schedule 3—Enactments relating to Appeals to Crown Court**

#### **Part I Enactments making Special Provisions about Procedure on Appeals to Crown Court**

<b>Chapter</b>	<b>Act</b>	<b>Section or Schedule</b>
1957 c 56	The Housing Act 1957	Section 14(5).

1963 c 2	The Betting, Gaming and Lotteries Act 1963	Schedule 1, paragraphs 21, 28  Schedule 2, paragraph 6. Schedule 3, paragraph 13.
1963 c 33	The London Government Act 1963	Schedule 12, paragraph 19(4).
1964 c 26	The Licensing Act 1964	Sections 22, 50, 67B, 81B, 146, 154.
1967 c 9	The General Rate Act 1967	Section 7(1).
1968 c 27	The Firearms Act 1968	Section 44.  Schedule 5 Part II.
1968 c 54	The Theatres Act 1968	Section 14(4).
1968 c 65	The Gaming Act 1968	Schedule 2, paragraphs 29, 31, 45, 46, 50, 61.  Schedule 3, paragraphs 12, 13, 15, 16.  Schedule 7, paragraphs 11, 20. Schedule 9, paragraph 11.
1969 c 54	The Children and Young Persons Act 1969	Section 21(5).
1976 c 32	The Lotteries and Amusements Act 1976	Schedule 1, paragraph 5. Schedule 3, paragraph 8.
1976 c 70	The Land Drainage Act 1976	Section 77.
2001 c 24	The Anti-Terrorism, Crime and Security Act 2001	Schedule 1, paragraphs 7, 10K, 10Z4, 10Z7CG.
2002 c 20	The Proceeds of Crime Act 2002	Sections 299, 303S, 303Z16, 303Z47.

**Part II Amendments to Enactments specified in Part I**

*Note. Part II made amendments to the Housing Act 1957, the Betting, Gaming and Lotteries Act 1963, the Licensing Act 1964, the General Rate Act 1967, the Gaming Act 1968 and the Children and Young Persons Act 1969.*

**Part III Appeals in which the Notice of Appeal is to State the Grounds of Appeal**

<b>Chapter</b>	<b>Act</b>	<b>Section or Schedule</b>
1957 c 56	The Housing Act 1957	Section 14(5).
1963 c 2	The Betting, Gaming and Lotteries Act 1963	Schedule 1, paragraphs 21, 28.  Schedule 2, paragraph 6. Schedule 3, paragraph 13.
1963 c 33	The London Government Act 1963	Schedule 12, paragraph 19(2).

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1964 c 26	The Licensing Act 1964	Sections 22, 50, 67B, 81B, 146, 154.
1967 c 9	The General Rate Act 1967	Section 7(1).
1968 c 54	The Theatres Act 1968	Section 14(4).
1968 c 65	The Gaming Act 1968	Schedule 2, paragraphs 29, 31, 45, 46, 50, 61. Schedule 3, paragraphs 12, 13, 15, 16. Schedule 7, paragraphs 11, 20. Schedule 9, paragraph 11.
1976 c 32	The Lotteries and Amusements Act 1976	Schedule 1, paragraph 5. Schedule 3, paragraph 8.
1982 c 30	The Local Government (Miscellaneous Provisions) Act 1982	Section 5. Schedule 1, paragraph 17. Schedule 3, paragraph 27. Schedule 4, paragraph 6.
1982 c 33	The Cinematograph (Amendment) Act 1982	Section 4.
1998 c 37	The Crime and Disorder Act 1998	Section 4, as it applies to an appeal against (i) an anti-social behaviour order under section 1 of the Crime and Disorder Act 1998; or (ii) an order under section 1D of that Act made on an application for an anti-social behaviour order or for an order under section 1B of that Act.
2001 c 24	The Anti-terrorism, Crime and Security Act 2001	Schedule 1, paragraphs 7, 10K, 10Z4, 10Z7CG.
2002 c 29	The Proceeds of Crime Act 2002	Sections 299, 303S, 303Z16, 303Z47.
2003 c 44	The Criminal Justice Act 2003	Section 16.

#### **Schedules 4 – 14**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*