

CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 21st MARCH, 2025 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 Oliver	District Judge (Magistrates' Courts)
David Barrand	Magistrate
Amy McEvoy	Justices' legal adviser
Stephen Parkinson	Director of Public Prosecutions
Jacob Hallam KC	Barrister
Paul Jarvis	Barrister
Shade Abiodun	Solicitor
Edmund Smyth	Solicitor
Rebecca White	Voluntary organisation representative

Guests

Mr Justice Nicklin	Transparency and Open Justice Board
Dr Catherine O'Neill	Intermediaries for Justice
Francesca Catellano	Intermediaries for Justice
Paul Goldspring	Senior District Judge, Chief Magistrate
Professor David Ormerod KC	University College, London
John Heavens	Ministry of Justice
Amy Atkin	CJS Common Platform Programme
Simon Bartlett	CJS Common Platform Programme

Agenda item 1: welcome, announcements, etc.

The chair welcomed all those attending, in person and by video conference. He welcomed in particular Dr Catherine O'Neill and Francesca Catellano, the chair and secretary of Intermediaries for Justice, attending for the discussion of item 4, and Mr Justice Nicklin, the chair of the Lady Chief Justice's Transparency and Open Justice Board, attending for the discussion of items 5, 6, 7 and 8; and other guests including the Chief Magistrate, Professor David Ormerod KC, John Heavens of the Ministry of Justice and Amy Atkin and Simon Bartlett of the Common Platform Programme.

He reported apologies for absence from Chief Constable Rob Nixon QPM and Robert Thomas.

Agenda item 2: draft minutes of the meeting on 7th February, 2025

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

Matters arising from the minutes not due to be dealt with in other agenda items were:

- (a) rules about taking depositions, to which item 7 of the minutes referred. Draft rules would be submitted for discussion at the next meeting.
- (b) expert witness declarations, to which item 9 of the minutes referred. An invitation to comment had been issued to the two consultees (the Forensic Science Regulator, and the Expert Group for Imagery Evidence Analysis). Their responses would be reported to the meeting on 2nd May, 2025.

Agenda item 3: case management group report

Mrs Justice Foster reported that the group had considered:

- 1) proposed amendments to the forms for commissioning psychiatric reports, to invite more information about the hospital place to be specified. Adjustments had been directed the better to align amendments with material statutory provisions, and to include a suitable summary of those provisions.
- 2) proposed revisions of forms of application for authority to extend pre-charge bail and response, to reduce the incidence of errors or omissions by applicants. Subject to minor further adjustments, the revisions had been approved.
- 3) a draft form of application for the court to allow the attendance of an animal for the emotional support of a vulnerable participant, and an amended draft practice direction to assist the court. Amendments for further discussion had been directed.
- 4) proposed amendments to two forms of appeal notice for use in connection with confiscation proceedings, which had been approved.
- 5) current forms of search warrant template used in the Crown Court, which members had been invited to review. No adjustments were proposed.
- 6) a suggestion that a new form of application to a judge should be devised for use on an application for authority to demand access to an electronic device under section 49 of the Regulation of Investigatory Powers Act 2000. In the group's view, the example submitted of a form in current use lacked adequate explanation for the judge of material statutory provisions. Correspondence with investigators responsible for the preparation of that form had been directed.

Agenda item 4 (paper (25)02): survey of intermediaries' experiences

Dr O'Neill and Ms Catellano summarised the survey conducted by Intermediaries for Justice and gave examples of what intermediaries had reported as good and bad practices.

The Committee:

- 1) thanked them for the survey and their report;

- 2) established that no amendments to the Criminal Procedure Rules or Criminal Practice Directions were proposed; and
- 3) recommended that the survey should be drawn to the attention of those responsible for professional and judicial training.

Agenda item 5 (paper (25)12): open justice and the overriding objective

Mr Justice Nicklin described the aspirations of the Transparency and Open Justice Board, the Board's anticipated programme of work, and the reasons for the Board's present recommendations to this and other Rule Committees. The Board anticipated making further recommendations within approximately 6 months.

The Committee:

- 1) discussed these matters with the judge at length;
- 2) discussed in detail features of the draft rule amendments submitted to the meeting; and
- 3) noting that, in the interim, current rules to an extent acknowledged the open justice principle, agreed to postpone amendments until the Board had formulated its further recommendations.

Agenda item 6 (paper (25)13): access to information held by the court, outcome of the Ministry of Justice open justice survey

The Committee discussed with Mr Justice Nicklin the three suggestions identified in the paper as deriving from responses to the Ministry of Justice survey and directed that:

- 1) the preparation of guidance sought by reporters should be discussed with representatives of the Transparency and Open Justice Board, which representatives should be assisted as required; and
- 2) draft rule amendments should be prepared, to accommodate pre-trial consideration of directions for reporting arrangements at trial including such applications for reporting restrictions as might be made.

Agenda item 7 (paper (25)14): transcript and recordings of Crown Court proceedings

The Committee:

- 1) discussed with Mr Justice Nicklin and at length the different considerations that might apply to (i) information made available only by word of mouth at trial, and (ii) information supplied in written or other durable and transmissible form, as transcript or as an audio recording; and
- 2) acknowledging the complexity of the matters raised and the lack of time available to complete discussion satisfactorily on this occasion, agreed to postpone further discussion to the next meeting.

Agenda item 8 (papers (25)15 & 16): notice of applications for reporting restrictions

Agenda item 9 (paper (25)17): Ministry of Justice consultation on private prosecution

Agenda item 10 (paper (25)18): adjourning trial in a youth court

Agenda item 11 (paper (25)19): advocate's waiver of defendant's right to attend trial

Agenda item 12 (papers (25)20 & 21): involuntary absence of defendant from trial

Agenda item 13 (paper (25)22): Law Commission consultation on criminal appeal

Agenda item 14 (paper (25)23): contempt of court – working group to devise procedure rules for all jurisdictions

Agenda item 15 (paper (25)24): content of the Crime and Policing Bill

Agenda item 16 progress report: guidance for unrepresented defendants

Agenda item 17 progress report: victims' code and Criminal Procedure Rules

For want of sufficient time, discussion of each of these items was postponed to the next meeting.

Agenda item 18: other business

No other business was raised.

Dates of next meetings

Friday 2nd May, 2025, and

Friday 6th June, 2025

The meeting closed at 3.35pm.