

# CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 6<sup>th</sup> JUNE, 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
Michael Oliver	District Judge (Magistrates' Courts)
David Barrand	Magistrate
Amy McEvoy	Justices' legal adviser
Stephen Parkinson	Director of Public Prosecutions
Paul Jarvis KC	Barrister
Edmund Smyth	Solicitor

#### *Guests*

Lord Justice Edis	Court of Appeal judge
Paul Goldspring	Senior District Judge, Chief Magistrate

### **Agenda item 1: welcome, announcements, etc.**

The chair welcomed all those attending, in person and by video conference. He welcomed in particular, and introduced to the Committee, Lord Justice Edis, whom the Lady Chief Justice had appointed to succeed him as Committee deputy chair with effect from 1<sup>st</sup> August, 2025; and the Chief Magistrate. He reported apologies for absence from HH Judge Norton, Jacob Hallam KC, Robert Thomas and Professor David Ormerod KC.

The chair reminded members of (i) the extended meeting on 11<sup>th</sup> July, marking among other things the 20<sup>th</sup> anniversary of the first Criminal Procedure Rules and the 21<sup>st</sup> anniversary of the first Rule Committee meeting, and (ii) the valedictory to mark his retirement, at the Royal Courts of Justice on 22<sup>nd</sup> July.

### **Agenda item 2: draft minutes of the meeting on 2<sup>nd</sup> May, 2025**

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

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

Mrs Justice Foster reported that the group had discussed potential amendments to the magistrates' courts Preparation for Effective Trial form and to the Crown Court Plea and Trial Preparation Hearing form, and to the online version of each form in particular, to require consideration of any reporting restriction that might be required before or at trial.

### **Agenda item 4 (paper (25)33): Victims' Commissioner's report**

The Committee:

- 1) noted the content of the report, in particular the concerns expressed about trial listing in the Crown Court;
- 2) noted the provision for victims of crime already made by Criminal Procedure Rules and Criminal Practice Directions;
- 3) agreed that it seemed unlikely that any rule amendment would assist in resolving either principal concern identified, about listing and about communication with witnesses;
- 4) agreed nonetheless again to review the rules after publication of the imminent report of the Independent Review of the Criminal Courts; and
- 5) agreed that the chair or deputy chair should write to the Victims' Commissioner to ensure it was understood that making Criminal Procedure Rules was a matter for the Committee, making Criminal Practice Directions was a matter for the Lady Chief Justice, and neither was a function of the Lord Chancellor.

### **Agenda item 5 (paper (25)34): Victims and Courts Bill**

The Committee noted the content of the Bill, in particular the provision for (i) attendance at sentencing hearings, and (ii) restricting sex offenders' parental responsibility.

### **Agenda item 6 (paper (25)35): independent review of disclosure report**

The Committee:

- 1) noted the content of the report, in particular (i) the recommendation that "A revised system for judicial case management of disclosure should be put in place for Crown Court cases, including an Intensive Disclosure Regime for the most serious, complex, or otherwise difficult cases. This process should be set out in Criminal Procedure Rules", and (ii) the other recommendations calling explicitly for amendments to Criminal Procedure Rules;
- 2) accepting that the recommendations seemed clearly to fall within the Committee's rule-making competence, agreed nonetheless that they raised significant questions of resourcing for prosecutors and defendants which (a) were likely to be affected by the imminent report of the Independent Review of the Criminal Courts, and (b) were expected to be the subject of consideration by ministers;
- 3) agreed to offer to take part in any working group convened to advise and assist the Ministry of Justice; and

- 4) invited volunteers for that purpose so to inform the chair or secretary by Friday 13<sup>th</sup> June, 2025.

**Agenda item 7 (paper (25)36): anonymity for authorised firearms officers**

The Committee:

- 1) approved (i) the amendments proposed for immediate inclusion in the Criminal Procedure Rules 2025, and (ii) in principle, the amendments proposed for inclusion in rules in due course, after passage of the Crime and Policing Bill;
- 2) questioned the immediacy of the effect of the phrase in Bill clause 134 “The court must cause the following information to be withheld from the public”, which phrase implied that action by the court would be required before information could be withheld; and
- 3) directed efforts to encourage a prompt nomination by the National Police Chiefs’ Council of a police representative member of the Committee, presently lacking.

**Agenda item 8 (papers (25)37 & 38): time limit for listing an application to consider bail**

The Committee:

- 1) expressed its gratitude to HH Judge Wood, who had contributed the proposal and paper (25)37;
- 2) discussed members’ own experiences of delay in the assessment of suitability of an address for residence proposed as a condition of bail;
- 3) heard of progress made with potential improvements to current arrangements for assessments;
- 4) agreed that to amend the rule to enlarge the current time limit (i) was liable to encourage still further delay, and (ii) was likely to delay the consideration of applications which in the event required no assessment of an address; and
- 5) for those reasons, agreed that the rule required no amendment.

**Agenda item 9 (paper (25)39): defence identification of issues at trial**

The Committee:

- 1) discussed members’ own experiences of some advocates’ misapprehensions of what was and was not permitted by the rule concerned;
- 2) noted and endorsed the clarity of relevant commentary in the Crown Court Compendium; and
- 3) agreed that the rule was clear and required no amendment.

**Agenda item 10 (paper (25)40): costs on an application under section 59, Criminal Justice and Police Act 2001**

The Committee:

- 1) expressed its gratitude to Mr Jarvis KC and to the member of the Bar who had raised the point with him;

- 2) discussed the reasoning in the Committee paper and observed in addition that the expression “judge of the Crown Court” in section 64(1)(a) of the Criminal Justice and Police Act 2001 contrasted with the expression “the High Court” (not “judge of”) in section 64(2)(a);
- 3) agreed that without a judicial determination of the meaning of the legislation the Rules should not authorise an award of costs on such an application; and
- 4) for those reasons, declined to amend the rule.

**Agenda item 11 (paper (25)41): Criminal Procedure Rules 2025 – new content**

The Committee approved the final versions of proposed rule amendments and the proposed Explanatory Note, subject to:

- 1) substitution of “any reporter” for “a reporter” in the amendment to rule 6.2;
- 2) substitution of “committal to custody” for “imprisonment” in the note to rule 17.1 describing section 3 of the Criminal Procedure (Attendance of Witnesses) Act 1965; and
- 3) inclusion of a note referring to the effect of section 227(2) of the Sentencing Act 2020 (committal of those aged under 21).

**Agenda item 12 (paper (25)42 & Supplement): Criminal Procedure Rules 2025 – miscellaneous minor amendments**

The Committee approved the proposed additional amendments.

**Agenda item 13: other business**

No other business was raised.

**Dates of next meetings**

Friday 11<sup>th</sup> July, 2025, and

Friday 3<sup>rd</sup> October, 2025.

The meeting closed at 2.50pm.