

CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 3rd OCTOBER, 2025 at 1.30 p.m.

MINISTRY OF JUSTICE
102 PETTY FRANCE, LONDON SW1
and by video conference

MINUTES

Present

Committee members

Lord Justice Edis	Court of Appeal judge; deputy chair of the Committee; chair of the meeting
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
Paul Jarvis KC	Barrister
Edmund Smyth	Solicitor
Bartholomew Dalton	Solicitor
Rebecca White	Voluntary organisation representative

Guests

Paul Goldspring	Senior District Judge, Chief Magistrate
Professor David Ormerod KC	University College, London
Professor Cheryl Thomas KC	University College, London

Agenda item 1: welcome, announcements, etc.

The chair welcomed all those attending, in person and by video conference. He welcomed in particular two new Committee members, Bartholomew Dalton and, in his absence, Chief Constable Tim De Meyer. He reported apologies for absence from Jacob Hallam KC, Chief Constable De Meyer and Robert Thomas.

On behalf of the Committee, he congratulated HH Judge Norton on her appointment to the High Court.

He drew attention to the coming into force on 6th October of the Criminal Procedure Rules 2025.

Agenda item 2: draft minutes of the meeting on 11th July, 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:

- 1) a revised form of application to a magistrates' court for an information order under section 339ZH, Proceeds of Crime Act 2002. The group had approved the proposed revision, with adjustments.
- 2) a proposal for forms of application for some behaviour orders for which no such form yet was published. The group had agreed to consider drafts.

Agenda item 4 (papers (25)53 & (16)48): Independent Review of Criminal Courts, Part 1

The Committee:

- 1) discussed the first part of the Review, published in July, and in particular the Review's recommendations concerning:
 - (a) election for trial in the Crown Court,
 - (b) appeal from a magistrates' court to the Crown Court and the potential impact of the recommendation for recording proceedings in magistrates' courts, and
 - (c) trial by judge alone in the Crown Court;
- 2) agreed that it would be helpful to discuss proposed primary legislation as soon as that was available; and
- 3) agreed that one or more groups should be convened in due course to formulate supplementary rules.

Agenda item 5 (papers (25)54, (17)76 & (20)49): Law Commission report *Evidence in sexual offences prosecutions*

The Committee:

- 1) discussed the Law Commission report;
- 2) remarked the potential impact on courts and the legal professions of any requirement for representation for complainants; and
- 3) doubted the Committee's power, in the absence of further primary legislation, to make rules for:
 - (a) informing complainants of applications to introduce sexual behaviour evidence, or
 - (b) presumptions in favour of special measures.

Agenda item 6 (paper (25)55): open justice, purpose of access to court records

The Committee:

- 1) agreed in principle that a note describing the scope of the open justice principle should be added to rule 5.7; but
- 2) directed a revision of the draft note proposed, which was not an accurate reflection of the judgment of the Court of Appeal in *In re HMP*.

Agenda item 7 (papers (25)56 & 57): compliance with CrimPR 7.5 and 7.6

The Committee:

- 1) discussed at length the difficulties presented by delivery of a defendant in custody after charge without the information or arrangements required by the rules;
- 2) considered rules 7.5 and 7.6 compatible with section 46, Police and Criminal Evidence Act 1984 but agreed that the Committee could not interpret the section authoritatively, that being a matter for resolution by judgment of the High Court in an appropriate case; and
- 3) agreed to discuss the subject further and with police representatives.

Agenda item 8 (papers (25)58 & (20)25): time limit for service of draft indictment under CrimPR 10.8

The Committee approved the proposed rule amendment.

Agenda item 9 (papers (25)59, (23)14 & (25)17): single justice procedure, *Transform Justice* paper

The Committee:

- 1) discussed the *Transform Justice* report entitled, “Why the single justice procedure needs radical reform”;
- 2) remarked the occurrence of comparable faults in other procedures, past and present; and
- 3) noting that the procedure was presently under review, with a particular emphasis on the conduct of prosecutors, agreed to review the present rules as soon as the amendment of primary legislation so required.

Agenda item 10 (paper (25)60): prohibited steps order on conviction

The Committee provisionally approved the proposed rule amendments, pending the passage of the primary legislation concerned.

Agenda item 11 (paper (25)61): confiscation and confiscation enforcement proceedings

Noting that work on the draft rules continued, the Committee:

- 1) thanked those members and others who had contributed to the preparation of those drafts;
- 2) agreed that provision for early resolution of confiscation meetings and hearings would be helpful, and should include requirements for the reporting of a meeting outcome to the court;
- 3) questioned the legality of making a confiscation order, even in terms agreed between the parties and submitted in writing, without convening a hearing for the purpose;
- 4) received a report of concerns about the effect on the appeal regime of the proposed statutory provision for variation of sentence long after initial sentencing; and
- 5) directed the resubmission of revised drafts.

Agenda item 12 (paper (25)62): child criminal exploitation prevention orders

The Committee provisionally approved the proposed rule amendments, pending the passage of the primary legislation concerned.

Agenda item 13 (papers (25)63, (07)06 & (07)06 Supplement): applications and proposals for behaviour orders

The Committee:

- 1) discussed the proposed rearrangement of rules in Part 31 and proposed further adjustments to the first draft;
- 2) noted the associated case management group proposal for additional and revised application forms, the notes to which usefully might include in full the statutory criteria for the making of each order concerned;
- 3) considered elaborated provision for applications for special measures directions where the relevant statutory provisions so allowed; and
- 4) directed the resubmission of a revised draft.

Agenda item 14: other business

No other business was raised.

Dates of next meetings

Friday 7th November, 2025, and

Friday 12th December, 2025

The meeting closed at 3.20pm.