

# CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 7<sup>th</sup> NOVEMBER, 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
Paul Jarvis KC	Barrister
Jacob Hallam KC	Barrister
Edmund Smyth	Solicitor
Bartholomew Dalton	Solicitor
Chief Constable Tim De Meyer	National Police Chiefs' Council
Robert Thomas	Voluntary organisation representative

#### *Guests*

Professor David Ormerod KC	University College, London
Professor Cheryl Thomas KC	University College, London
Joseph Rice	Ministry of Justice

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

The chair welcomed all those attending, in person and by video conference. He welcomed in particular Chief Constable Tim De Meyer, attending his first Rule Committee meeting. He reported apologies for absence from the Director of Public Prosecutions and Rebecca White; and from among regular guests, the Chief Magistrate.

### **Agenda item 2: draft minutes of the meeting on 3<sup>rd</sup> October, 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:

- 1) discussed and settled a proposed new general form of application for a behaviour order, to supplement the revised rules under consideration by the Committee;
- 2) agreed that two current forms of application for behaviour orders should be withdrawn, but that current forms in respect of restraining orders and domestic abuse protection orders should be maintained;
- 3) agreed to maintain the current general form of application to vary or revoke a behaviour order; and
- 4) discussed and agreed to consider at the next meeting:
  - (a) a proposed form of application for an entry warrant to be issued under powers conferred by consumer protection legislation,
  - (b) a proposed form of application for a witness summons for use in civil proceedings in magistrates' courts,
  - (c) the present forms of application and notice to introduce or exclude bad character evidence, and
  - (d) the present form of certificate of readiness for trial.

### **Agenda item 4 (paper (25)64): outstanding warrants for arrest for breach of bail**

The Committee:

- 1) discussed the circumstances described by the Committee paper and the most effective means of encouraging enquiry into any warrants for arrest for breach of bail that might be outstanding;
- 2) dismissed as impractical and undesirable any ostensible requirement for general case management to be undertaken in any outstanding case that was not itself before the court; and
- 3) directed the preparation of a draft rule accordingly, potentially for addition to Part 14 (Custody and bail), for consideration at the next meeting, in order to achieve substantially the same objective as the relevant former Criminal Practice Directions.

### **Agenda item 5 (paper (25)65): open justice, purpose of access to court records**

The Committee approved the proposed note to rule 5.10.

### **Agenda item 6 (papers (25)66 & 56): compliance with CrimPR 7.5**

The Committee:

- 1) discussed again the difficulties occasioned by the delivery to a magistrates' court of a defendant in custody after charge late in the day and without the information or arrangements required by the rules. The concerns expressed would be reported to the relevant National Police Chiefs' Council lead, including a suggestion that the form of case preparation checklist already in use by some police forces should be put into national use.
- 2) directed further discussion at the Committee meeting on 6<sup>th</sup> February, 2026.

**Agenda item 7 (paper (25)67): public attendance at pre-trial recorded cross-examination**

The Committee:

- 1) discussed at length the concerns expressed by a former witness and complainant. Members' views differed on (i) the expectation of public attendance at a pre-trial recording of cross-examination and re-examination under section 28, Youth Justice and Criminal Evidence Act 1999, (ii) the sufficiency of existing powers to control public attendance at such a recording, and (iii) the legality and practicality of other measures to ensure that the oral testimony of a witness at trial would not be adversely affected by that witness' presence as a member of the public at such a recording.
- 2) asked that the Crown Prosecution Service should enquire into the frequency of difficulties occasioned by public attendance at such a recording; and
- 3) directed further discussion at the Committee meeting on 6<sup>th</sup> February, 2026.

**Agenda item 8 (paper (25)68): disclosure and declarations of compliance by expert witnesses**

The Committee concluded that the pending amendments to Criminal Practice Directions and the pending revision by the Forensic Science Regulator of relevant guidance would achieve as much as realistically could be achieved to obtain the clarity sought by the National Police Chiefs' Council's Forensic Capability Network.

**Agenda item 9 (paper (25)69): applications and proposals for behaviour orders**

The Committee approved the proposed rule amendments, subject to imposition by rule 31.3(5) of the same time limit as would be imposed by rule 31.3(2) ("as soon as practicable, without waiting for the verdict").

**Agenda item 10 (paper (25)70): confiscation and confiscation enforcement proceedings**

The Committee:

- 1) provisionally approved the proposed rule amendments pending the passage of the primary legislation concerned, subject to:
  - (a) correcting the reference in rule 33.11(1)(b) to the time at which a confiscation timetable must be set, which should be "before the end of the hearing at which the court sentences the defendant", and
  - (b) making it clear that the defendant could attend an early resolution of confiscation hearing by legal representative, not in person; and
- 2) discussed the possibility of a prescribed form of timetable for confiscation proceedings but concluded that none was desirable.

**Agenda item 11 (paper (25)71): costs on an application to restore or retain seized property**

The Committee maintained its previous conclusion that its power to authorise the making of a costs order on such an application was in sufficient doubt to require clarification either by primary legislation or on an application or appeal to the High Court.

**Agenda item 12 (paper (25)72): errors in the Criminal Procedure Rules 2025 identified by the Parliamentary Joint Committee on Statutory Instruments**

The Committee agreed that the errors in rules and in notes to rules identified by the JCSI and listed in the paper should be corrected by the proposed December statutory instrument.

**Agenda item 13 (paper (25)73): content of proposed December statutory instrument**

The Committee approved the proposed content, subject to its decisions in respect of agenda items 4 and 7 postponing any potential rule amendments.

**Agenda item 14: other business**

Mr Barrand described continuing work (i) to complete draft guidance for unrepresented defendants who wished better to understand criminal court procedure, and (ii) to integrate that draft guidance with other comparable initiatives.

The chair reported that the Committee would be invited in the near future to review:

- 1) current rules governing the supply of transcript; and
- 2) a proposed new Practice Direction about listing cases for trial.

**Dates of next meetings**

Friday 12<sup>th</sup> December, 2025, at which the next Amendment Rules would be signed;  
and

Friday 6<sup>th</sup> February, 2026.

The meeting closed at 3pm.