

# CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 12<sup>th</sup> DECEMBER, 2025 at 1.30 p.m.

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

## MINUTES

### Present

#### *Committee members*

Lady Chief Justice	Chair of the Committee
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
Jacob Hallam KC	Barrister
Edmund Smyth	Solicitor
Bartholomew Dalton	Solicitor
Chief Constable Tim De Meyer	National Police Chiefs' Council
Robert Thomas	Voluntary organisation representative
Rebecca White	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 announced:

- 1) the appointment to the Committee of Mr Justice Griffiths and HH Judge Branston, each of whom would attend the next meeting, and
- 2) the retirement from the Committee of Ms Justice Norton, whom the Lady Chief Justice and the chair thanked for her service.

He reported apologies for absence from the Chief Magistrate (a regular guest).

### **Agenda item 2: draft minutes of the meeting on 7<sup>th</sup> November, 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 a proposed new form of application to a magistrates' court in civil proceedings for an entry warrant to be issued under the Consumer Rights Act 2015 and a proposed form of such warrant. The group had directed some specific adjustments, and an elaboration in each form of details of the grounds upon which a warrant was sought and had been issued;
- 2) discussed and approved with a few adjustments a proposed new form of application to a magistrates' court for the issue of a witness summons in civil proceedings;
- 3) discussed the current forms of notice and application in respect of bad character evidence and directed the preparation of simplified forms for consideration at the next meeting; and
- 4) discussed the current Crown Court form of certificate of readiness for trial, identifying some features which it was reported by some members were rarely used and noting that the form was likely to be affected by recommendations in the second part of the Independent Review of Criminal Courts chaired by Sir Brian Leveson.

It had been reported as other business that (i) the index of forms (published at <https://www.gov.uk/guidance/rules-and-practice-directions-2020#index-to-the-criminal-procedure-rules-and-criminal-practice-directions>) had been brought up to date, and (ii) the form of preparation for effective trial in a magistrates' court of an allegation that a defendant had failed to comply with the requirements of a community-based order or a post sentence supervision order had been authorised for use with effect from 5<sup>th</sup> January, 2026.

### **Agenda item 4 (papers (25)74 & 85): signature of the Criminal Procedure (Amendment) Rules 2026**

Each member assented to the Rules, adjusted as described in paper (25)85, by the manuscript signatures of those attending in person and by the oral declarations of those attending by video conference.

### **Agenda item 5 (paper (25)75): report on the Criminal Procedure Rules 2025 by the Parliamentary Joint Committee on Statutory Instruments**

The Committee noted the report and noted the amendments in response contained in the Criminal Procedure (Amendment) Rules 2026.

### **Agenda item 6 (paper (25)76): listing practice and warned lists**

The chair drew attention to the recent judgment in *R v PBN* of a constitution of the Court of Appeal over which he had presided. The Committee discussed at length the potential advantages and disadvantages of warned lists and the importance of adequate communication with witnesses. The chair directed that the subject should be

restored for further discussion when an anticipated draft new listing practice direction became available for consideration by the Committee.

**Agenda item 7 (paper (25)77): provision for use of the Welsh language, consultation by the Civil Procedure Rule Committee and sufficiency of Criminal Procedure Rules**

The Committee:

- 1) agreed to offer no observations as a Committee on the proposed Civil Procedure Rule practice direction amendments and left it to members to comment as individuals if they so wished;
- 2) discussed current Criminal Procedure Rules and Practice Directions that apply to the use of the Welsh language, and members' favourable experiences of arrangements for interpretation in courts in Wales; and
- 3) agreed to discuss the subject further with Mr Justice Griffiths, presently a Presiding Judge for Wales, when he joined the Committee at the next meeting.

**Agenda item 8 (paper (25)78): recording and transcription in the Crown Court**

The Committee:

- 1) discussed the proposals for less judicial superintendence of the supply of transcript;
- 2) noted the misleading inference to be drawn from the current rules that the Crown Court possesses a more extensive jurisdiction in respect of transcript than is in fact the case;
- 3) expressed renewed concern about the potential effect on witnesses of the proposed supply to any purchaser of transcript of a permanent and readily transmissible written record of questioning and evidence at trial; and
- 4) encouraged further discussion with HM Courts and Tribunals Service about staffing sufficiency and competence and about practical arrangements that might assist, including the use of information technology and artificial intelligence.

**Agenda item 9 (paper (25)79): warrants for arrest for breach of bail**

The Committee:

- 1) identified detailed adjustments to the rule amendments proposed and to other rules in CrimPR Part 14 (Bail and custody time limits);
- 2) agreed that any rule amendment should apply to other outstanding warrants of arrest and should be removed to CrimPR Part 13 (Warrants for arrest, detention or imprisonment);
- 3) expressed renewed doubts about the efficacy of any potential rule amendment to the proposed effect, and concern about the risk of encouraging intervention without full information in cases not otherwise before the court; and
- 4) directed a further revision of the proposal for reconsideration at the next meeting.

**Agenda item 10 (paper (25)80): requiring more information about a private prosecutor’s application for costs**

The Committee:

- 1) discussed the features of private prosecution that presently encouraged claims by prosecutors for substantial costs from public funds; and
- 2) directed adjustments to the draft rule amendments to require a private prosecutor to give reasons where either (i) no enquiry had been made into the possibility of public prosecution, or (ii) no enquiry had been made into the possibility of less expensive representation.

**Agenda item 11 (paper (25)81): suspension of internet protocol addresses and internet domain names**

The Committee:

- 1) welcomed the potentially beneficial effect of the proposed primary legislation; and
- 2) provisionally approved the draft rules.

**Agenda item 12 (paper (25)82): Law Commission report Part 1 on contempt of court**

**Agenda item 13 (paper (25)83): contempt procedure rules working group**

The Committee:

- 1) welcomed the coherence and simplification recommended by the Law Commission, but:
  - (a) maintained the Committee’s view that to prohibit a court from dealing in any circumstances with a contempt which that court had witnessed, if that were to be recommended in Part 2 of the Report, would be impractical, unnecessary and undesirable, and
  - (b) questioned whether the language of recommendation 23 (“We recommend that contempt by disrupting proceedings should be established by proof beyond reasonable doubt that: (1) the defendant acted in a way that was abusive, threatening or disorderly and the act resulted in the disruption of proceedings; ...”) would apply to conduct of the type at issue in *R v John Jordan* (the playing of loud music outside the court building);
- 2) welcomed the convening of the cross-jurisdictional contempt procedure rules working group and agreed that:
  - (a) CrimPR Part 48 (Contempt of court) should be rearranged more closely to correspond with (i) the arrangement of the Law Commission’s classification of contempt, and (ii) Civil and Family Procedure Rules applicable to contempt by breach of court order or undertaking, and
  - (b) as thus rearranged, Part 48 should be offered to the working group as a potential framework for model contempt procedure rules that other jurisdictions presently without such procedure rules might wish to adopt.

**Agenda item 14: other business**

It was drawn to the Committee’s attention that, in at least some areas of the country, initial details of the prosecution case were not supplied in accordance with CrimPR

Part 8 where a guilty plea was anticipated, on the grounds of a perceived inconsistency between the Part 8 rules and the Criminal Practice Directions. The Committee directed that this should be discussed at the next available opportunity.

**Dates of next meetings**

Friday 6<sup>th</sup> February, 2026; and  
Friday 1<sup>st</sup> May, 2026

The meeting closed at 3.25pm.