

CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 6th FEBRUARY, 2026 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
Mr Justice Griffiths	High Court judge
HH Judge Field KC	Circuit judge
HH Judge Branston	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
Bartholomew Dalton	Solicitor
Chief Constable Tim De Meyer	National Police Chiefs' Council
Robert Thomas	Voluntary organisation representative
Rebecca White	Voluntary organisation representative

Guests

Paul Goldspring	Senior District Judge, Chief Magistrate
Professor David Ormerod KC	University College, London
Christina Pride	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 two new Committee members, Mr Justice Griffiths and HH Judge Branston. He reported apologies for absence from Edmund Smyth.

The chair drew attention to the publication on 4th February of Part 2 of the Report by the Independent Review of Criminal Courts conducted by Sir Brian Leveson and briefly summarised its recommendations to the Committee. Members made initial observations and agreed to discuss the recommendations in detail at the meeting on 20th March, 2026.

Agenda item 2: draft minutes of the meeting on 12th December, 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) approved, with minor adjustments, suggested amendments to Chapter 11 of the Criminal Practice Directions that would accommodate applications for overseas production orders and arrangements for the issue of investigation orders (a) on paper, with handwritten signatures, or (b) in electronic form, as would ordinarily be the case.
- 2) discussed proposed forms of application and notice to supersede current such forms in respect of bad character evidence, and agreed that forms should include reference to cross-admissibility between allegations.
- 3) approved suggested amendments to Chapter 5 of the Criminal Practice Directions to incorporate references to, and associated with, the Serious Economic, Organised Crime and International Directorate of the Crown Prosecution Service.

Agenda item 4 (paper (26)01): Committee programme for 2026

The Committee noted the report and proposals for the coming year; during which year work associated with the recommendations of the Independent Review of Criminal Courts would feature prominently.

Agenda item 5 (paper (26)02): independent stalking advocates (also described as independent stalking advocacy caseworkers)

The Committee:

- 1) approved the proposed rule amendments; but
- 2) in relation to the description of such advisers as “advocates”, directed further discussion of the extent to which the Rules, as secondary legislation, properly could depart from the definition assigned by the Victim Support (Specified Roles) Regulations 2025.

Agenda item 6 (paper (26)03): provision for use of the Welsh language in criminal proceedings; sufficiency of Criminal Procedure Rules and Criminal Practice Directions

The Committee:

- 1) noted the relevant statutory provision;
- 2) noted the present provision made by rules and practice directions; and
- 3) agreed to discuss at a future meeting a paper that would describe the present practical arrangements for interpretation and translation and would offer further suggestions.

Agenda item 7 (papers (26)04 & 05, (25)56): first court appearance of defendant in custody after charge, police compliance with CrimPR 7.5 and 7.6

The Committee:

- 1) again noted the difficulties caused by the late delivery to a magistrates' court of a defendant detained in custody after charge, and by the lack of information or arrangements required by the relevant rules;
- 2) thanked the National Police Chiefs' Council for their report and for the Council's continuing consideration of how those difficulties might be resolved; and
- 3) accepted the Council's offer to report further at the meeting on 1st May.

Agenda item 8 (papers (26)06 & 07): starting a prosecution in a magistrates' court, criteria for refusal to issue a summons

The Committee:

- 1) thanked the correspondent who had invited reconsideration of CrimPR 7.2(14); and
- 2) while not immediately persuaded that the use of examples was improper or unhelpful, agreed to consider other potential formulations of that paragraph at the meeting on 1st May.

Agenda item 9 (paper (26)08): identifying and dealing with outstanding warrants for arrest

The Committee:

- 1) discussed the potential administrative burden that the proposed requirement might impose, upon magistrates' legal advisers in particular, but agreed that the rule amendments as drafted required only that which was practicable;
- 2) agreed that rule amendments should appear in CrimPR Part 13, as now proposed, and that the amendments to CrimPR Part 14 previously suggested should be discarded; and
- 3) approved the rule amendments now proposed.

Agenda item 10 (papers (26)09 & 10): downloading information contained in an electronic device seized from a defendant during investigation

The Committee:

- 1) thanked the National Police Chiefs' Council for drawing attention to the difficulties described in their paper, and
- 2) agreed with the Council's view that section 21 of the Police and Criminal Evidence Act 1984 did not require in every case the download and reproduction in legible form of the entire data content of every electronic device that might be seized during an investigation; but
- 3) doubted the legislative competence of Criminal Procedure Rules to assert an interpretation of primary legislation, and doubted the utility of any potential amendment to procedure rules supplementing the Criminal Procedure and Investigations Act 1996 disclosure provisions.

Agenda item 11 (papers (26)11 & 12): public attendance at pre-trial recording of cross-examination

The Committee:

- 1) thanked the Crown Prosecution Service for making the enquiries requested by the Committee, and for its report and views; and
- 2) after deliberation, directed the drafting, for examination at the Committee meeting on 1st May, of rule amendments to promote consideration of any or all of (i) exercise of the court's power to sit in private, not public, for a video recorded cross-examination, (ii) the giving of a special measures direction under section 25 of the Youth Justice and Criminal Evidence Act 1999 for the exclusion of the public from the court during a video recorded cross-examination, (iii) identification of those (if any) members of the public who attended to observe a video recorded cross-examination, and (iv) the imposition of a reporting restriction under section 4(2) of the Contempt of Court Act 1981, to require postponement of any reporting of information given at a public hearing that otherwise it would be lawful to report.

Agenda item 12 (paper (26)13): statutory requirement for announcement that offence involved domestic abuse

The Committee:

- 1) approved the rule amendments proposed to supplement the requirements of the primary legislation; and
- 2) directed that information should be obtained from HM Courts and Tribunals Service about the administrative arrangements that would be made to achieve the record keeping required.

Agenda item 13 (papers (26)14 & 15, (12)42, 43 & 44): case papers for magistrate members of the Crown Court on appeal

The Committee:

- 1) agreed that the documents available to members of the Crown Court hearing an appeal against conviction by rehearing from a magistrates' court should be the same as those available to the member or members of a magistrates' court hearing a trial; and
- 2) noting that recommendations by the Independent Review of Criminal Courts, if accepted by the government and enacted, would change fundamentally the nature of an appeal from a magistrates' court to the Crown Court, agreed that no rule amendments should yet be made but that courts and court staff should be reminded of the current trial rules.

Agenda item 14 (paper (26)16): information required from a private prosecutor applying for costs from central funds

The Committee approved the proposed rule amendments, with an adjustment to the drafting.

Agenda item 15 (paper (26)17): contempt procedure rules working group, revised CrimPR Part 48 and cross-jurisdictional template rules

Committee members were content for the suggested framework rules to be shared with the members of the contempt procedure rules working group. Noting that material Law Commission recommendations were imminent, the Committee agreed that no amendments should yet be made to CrimPR Part 48.

Agenda item 16: other business

It was reported that consultation continued on (i) the content of draft guidance for those unrepresented defendants who wanted more detailed information about criminal procedure than was offered by existing published guidance, and (ii) the most effective means of alerting potential users to the existence of the new guidance, including by notice of the relevant website address to be handed to those charged at a police station.

Dates of next meetings

Friday 20th March, 2026; and
Friday 1st May, 2026

The meeting closed at 3.50pm.