

CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 1st MAY, 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
Stephen Parkinson	Director of Public Prosecutions
Jacob Hallam KC	Barrister
Paul Jarvis KC	Barrister
Edmund Smyth	Solicitor
Bartholomew Dalton	Solicitor

Guests

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 reported apologies for absence from Amy McEvoy, Chief Constable Tim De Meyer and Rebecca White; and from the Chief Magistrate.

Agenda item 2: draft minutes of the meeting on 20th March, 2026

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

Agenda item 3: Rules revision working group report

The chair reported that the group had discussed (i) recommendation 98 of the *Independent Review of the Criminal Courts*, and (ii) the group's objectives.

Group members had considered:

- the use of judicial training arrangements to promote familiarity with Criminal Procedure Rules, and the example set by a recent Criminal Bar Association

event at which the tactical advantages to be derived from such familiarity had been discussed;

- the desirability of Crown Court judges and advocates using the same guidance, produced by the judges themselves, as occurred in, for example, the Administrative Court;
- sanctions for failure to comply with rules and the extent to which procedural sanctions fairly could be imposed, contrasting the culture in criminal proceedings in England and Wales with (i) practice in civil proceedings, and (ii) practice in Scottish criminal proceedings, as reported by the *Review* in connection with its recommendation 88 (referenced in Committee paper (26)23 for the March meeting); and
- with grateful thanks to David Barrand JP, a detailed project proposal prepared by him for the accessibility and digital integration of Criminal Procedure Rules, which proposal included statistical analysis, resource estimates, cost benefit analysis and proposed project governance structures (with emphasis on the importance of collective participation).

The group had:

- agreed to reconvene as soon as possible to continue discussion of that project document;
- asked to receive copies of rules rewritten using artificial intelligence, to the existence of which members had been referred orally;
- asked that the information technology adviser to the *Review* should be invited to reduce to writing their specific proposals for the simplification of Criminal Procedure Rules, to which members had been referred orally; and
- asked the chair to invite Judicial College course directors to include in College material references to Criminal Procedure Rules to comparable effect as those used in recent Criminal Bar Association material.

Agenda item 4 (paper (26)30): powers for justices' legal advisers in NGAP courts

The Committee:

- 1) discussed the proposed clarification, and partial elaboration, of the judicial functions capable of exercise by justices' legal advisers presiding in NGAP courts;
- 2) discussed in particular the desirability, or otherwise, of requiring the parties' consent to the taking of certain decisions, and the effect of such requirements on the conduct of such courts;
- 3) agreed that consent to allocation should not be required, subject to review of that conclusion should an adult defendant's present right to require Crown Court trial be abolished;
- 4) asked members and others concerned in advising and adjudicating in magistrates' courts to settle between them the terms in which the imposition of an interim disqualification should be described, so that that, too, could be delegated; and
- 5) approved the proposed rule amendments in all other respects.

Agenda item 5 (paper (26)31): live link directions, powers for authorised court officers in the Crown Court

The Committee recognised the potential benefit of delegating responsibility for live link directions in some circumstances in the Crown Court but:

- 1) expressed renewed caution about the extent of delegation that the proposed Rule amendment would permit; and
- 2) agreed that those preparing draft new live link guidance should be asked to disclose the terms in which that guidance was to be issued before the Committee settled the terms of an associated rule.

Agenda item 6 (paper (26)32): independent stalking advocate as witness companion and supporter, terminology in Criminal Procedure Rules

The Committee approved the proposed rule amendments.

Agenda item 7 (papers (26)33 & 34): rule amendments to accommodate service by SMS and second class post

The Committee:

- 1) endorsed the emphasis placed on the use of electronic means of service by HM Courts and Tribunals Service;
- 2) agreed that present rules already allowed and encouraged service by any electronic means;
- 3) discussed the desirability, or otherwise, of allowing an unrepresented party to refuse to accept service by electronic means, and agreed to return to that discussion;
- 4) where postal service was to be used by court staff, expressed caution about the proposed exception to a presumption in favour of 2nd class post where that would “impede the progress of the case”, a phrase which members found insufficiently precise; and
- 5) asked for more detailed information from HMCTS about how exactly, in practice, 2nd class post would be used.

Agenda item 8 (paper (26)35): police compliance with CrimPR 7.5 (Notice of defendant in custody)

The Committee:

- 1) thanked Chief Constable De Meyer and the National Police Chiefs’ Council for their report, and Rachel Allen of the NPCC for presenting it;
- 2) welcomed the information about steps which had been taken, and were to be taken, by the Council to improve (i) the delivery of defendants in custody, and (ii) the provision of essential information to courts; and
- 3) welcomed a proposal to establish one or more channels of communication by means of which courts could report any continuing difficulties to those with relevant national responsibilities within the Council.

Agenda item 9 (papers (26)36, 06 & 07): criteria for refusing to issue a summons

The Committee:

- 1) discussed three potential rearrangements of rule 7.2(14);
- 2) agreed that in the absence of (i) any material statutory provision, and (ii) any power in procedure rules to define, as distinct from describe, a magistrates’ court’s material jurisdiction, the appropriate reformulation of the rule would be that which the paper described as the “alternative” version, with an elaborated note reproducing paragraph (14) and including some other examples; and
- 3) approved the proposed rule and note amendments accordingly.

Agenda item 10 (paper (26)37): public attendance at pre-trial recording of cross-examination

The Committee:

- 1) recorded its sympathy with the correspondent;
- 2) doubted both the desirability and the legality of referring in the draft rule amendments to the conduct of proceedings in private as well as referring to the giving of a direction under section 25 of the Youth Justice and Criminal Evidence Act 1999;
- 3) directed the inclusion of cross-references to the rules about (i) the exclusion of witnesses from court before giving evidence, and (ii) reporting restrictions; and
- 4) as thus adjusted, approved the proposed rule amendments.

Agenda item 11 (paper (26)38): Courts and Tribunals Bill amendments to special measures directions

The Committee:

- 1) noted the prospective statutory amendments; and
- 2) provisionally approved the proposed rule amendments.

Agenda item 12 (paper (26)39): declarations by expert witnesses

The Committee agreed to recommend to the Lady Chief Justice the proposed amendments to the Criminal Practice Directions.

Agenda item 13 (paper (26)40): streamlined forensic reports

The Committee:

- 1) discussed the report published by the House of Lords Science and Technology Committee;
- 2) noted the absence of any recommendation or suggestion that Criminal Procedure Rules should be elaborated;
- 3) discussed the potential consequences of failure by the defendant to respond to a SFR1 summary of expert conclusions;
- 4) discussed the potential disadvantages of any further material prescription by rules, including the potential for further delay in the preparation of any full expert report eventually required; and
- 5) agreed to retain the present rules without amendment.

Agenda item 14 (paper (26)41): hearsay and direct evidence from the same computer system, rules to promote compliance with sections 117 and 129, Criminal Justice Act 2003

The Committee:

- 1) discussed the potentially severe consequences of any requirement that the correct working of a computer must be established in every case in which computer output is in evidence;
- 2) discussed the scope and expression of the proposed Rule amendments; and
- 3) approved the proposed amendments, with adjustments, for consultation by ministers with those members of the House of Lords who recently had contributed to debate on the Victims and Courts Bill (now Act).

Agenda item 15 (paper (26)42): rule amendments to accommodate amendments to the Domestic Abuse Act 2021

The Committee approved the proposed rule amendments.

Agenda item 16 (paper (26)43): content of June 2026 statutory instrument

The Committee approved the proposed content of the Criminal Procedure (Amendment No. 2) Rules 2026, subject to the decisions already taken at this meeting.

Agenda item 17: other business

The Committee received a report of further progress in securing reference to guidance for unrepresented defendants in national police forms of postal requisition.

Dates of next meetings

Friday 12th June, 2026 (at which meeting the Criminal Procedure (Amendment No. 2) Rules 2026 are due to be signed); and

Friday 24th July, 2026.

The meeting closed at 3.25pm.