

CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 20th MARCH, 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
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

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

The chair observed that the work required by Part II of the Report by the Independent Review of the Criminal Courts conducted by Sir Brian Leveson, and the work required to accommodate primary legislation and other measures implementing Part I of the same Report, would occupy the Committee for some months to come.

Agenda item 2: draft minutes of the meeting on 6th February, 2026

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 (i) had been asked by the Deputy Senior Presiding Judge to review procedural provision for live links from abroad, which it had done; and (ii) had received written observations on the subject from the Probation Service, which it had considered. The statutory guidance for criminal courts about the use of live links issued in 2022 by the then Lord Chief Justice under section 51(5), Criminal Justice Act 2003, was understood to be under review. The group had:

- 1) observed that the requirements for the lawful use of live links from abroad frequently would depend upon the requirements of the jurisdiction from which that participation took place, to which Criminal Procedure Rules for England and Wales could not apply;
- 2) noted that such guidance as was available about the requirements of other jurisdictions was partial and, in some respects, contradictory;
- 3) concluded that, in the circumstances, it was not possible for the group, or the Committee, to issue authoritative advice on the subject by means of rules, directions or forms.

In other business the group had observed that the Preparation for Effective Trial form, and the “Case sent to the Crown Court for Trial – case management questionnaire” form (popularly, “the BCM form”), but no other case management forms, were available as online versions on the Common Platform system, but for that reason could not be as readily amended as could paper versions.

Agenda item 4 (papers (26)18 & (25)53): Part II of the Independent Review of the Criminal Courts (“IRCC”), introduction

The Committee noted the introduction.

Agenda item 5 (paper (26)19): IRCC Part II, recommendation 101 (affecting CrimPR Part 2)

Recommendation 101 reads:

“I recommend that His Majesty’s Courts and Tribunals Service deploys legal advisers to sit alone in Not Guilty Anticipated Plea Courts. Work should recommence urgently with the Ministry of Justice to review the powers required by a legal adviser to enable this and the Criminal Procedure Rules should be amended to provide legal advisers with all necessary powers, save only that contested allocation and bail decisions should continue to be handled by a Bench.”

The Committee:

- 1) discussed the recommendation at length;
- 2) considered legal advisers’ material powers of case management adequate and appropriate;
- 3) inclined to the view that legal advisers’ powers in respect of bail were adequate and appropriate;
- 4) inclined to the view that legal advisers already possessed powers to allocate and to send for trial which were not presently used;
- 5) noted the significance of the Courts and Tribunals Bill provision that would remove a defendant’s present right to require trial on indictment despite allocation of that defendant’s case to summary trial;

- 6) noted a prosecutor's power to apply under section 25 of the Magistrates' Courts Act 1980 for an adult defendant's trial on indictment despite allocation of the case to summary trial;
- 1) noted the Crown Court's power under section 46ZA of the Senior Courts Act 1981 to return for summary trial a defendant who had been sent for trial on indictment, and the (in effect) presumption that a young defendant should be returned unless compelling contrary reasons obtained (section 46ZA(4));
- 2) observed that only where an allocation decision was made to retain a young defendant's case for youth court trial could that decision not be reversed promptly, if appropriate; and
- 3) directed adjustments to the proposed draft rule amendments accordingly, for further discussion.

Agenda item 6 (papers (26)20, (10)44, (14)06 & (23)56): IRCC Part II, recommendation 98 (affecting CrimPR Parts 3, 9, 24 & 25)

Agenda item 10 (paper (26)24): suggested consolidation of trial preparation guidance (affecting CrimPR Parts 3, 24 & 25)

Recommendation 98 reads:

"I recommend that the Criminal Procedure Rule Committee redesign the Criminal Procedure Rules, ensuring a focus on simplicity and accessibility, to strengthen adherence and understanding for legal professionals, court staff and the general public. The new Rules should be designed in partnership with digital experts to facilitate their digitisation so that an interactive tool can be developed to support legal professionals in decision-making."

The Committee:

- 1) discussed the recommendation at great length;
- 2) discussed the different functions of (a) legislation, and (b) guidance;
- 3) applauded the Sentencing Code as an example of statutory consolidation, an exercise not yet undertaken in respect of the jurisdiction or procedure of criminal courts;
- 4) welcomed offers to supply examples of rules rewritten, as legislation, using artificial intelligence;
- 5) inclined to the view that a consolidation and abbreviation of guidance about pre-trial case management might assist, while recognising that that lay beyond the Rule Committee's own statutory powers; and
- 6) noting that the recommendation was addressed only to the Committee and to the Rules, agreed to establish a working group to discuss further how it might be implemented within the confines of the Committee's powers and of legislative requirements. Members who wished to take part were asked to notify the secretary.

Agenda item 7 (paper (26)21): IRCC Part II, recommendation 107 (affecting CrimPR Part 3)

Recommendation 107 reads:

“I recommend that the Criminal Procedure Rule Committee and Ministry of Justice revise and simplify the Plea and Trial Preparation Hearing form so that it is accessible and user-friendly.”

The Committee:

- 1) discussed the recommendation and members’ experience of use of the plea and trial preparation hearing form;
- 2) agreed that information collected by the “Case sent to the Crown Court for Trial – case management questionnaire” form (“ the BCM form”), if collected and passed on as intended, could significantly assist in Crown Court pre-trial case management;
- 3) received an oral report of work under way with a view to combining information collected by the PTPH form with other information for use in an online case listing system;
- 4) endorsed and encouraged efforts to collect and use listing and case management information by online electronic means; and
- 5) agreed to return to this discussion in future when more information was available about the development of such online systems.

Agenda item 8 (paper (26)22): IRCC Part II, recommendation 85 (affecting CrimPR Part 8)

Recommendation 85 reads:

“I recommend that the Criminal Procedure Rule Committee update the Criminal Procedure Rules to align with the Transforming Summary Justice Renewal Programme, which states that the Initial Details of the Prosecution Case must be served onto Common Platform a minimum of five days before the first hearing.”

The Committee:

- 1) received an oral report that the Crown Prosecution Service now met the Transforming Summary Justice target in the overwhelming majority of cases;
- 2) noted that local authority and some other prosecutors, as well as unrepresented defendants, presently had no access to the Common Platform system; and
- 3) agreed to await the outcome of planned CPS and police discussions about the practicality of maintaining adherence to the recommendation before reviewing the proposed rule amendment.

Agenda item 9 (paper (26)23): IRCC Part II, miscellaneous recommendations (affecting CrimPR Parts 2, 3, 8, 9, 24 & 25)

The Committee:

- 1) noted that in addition to the four recommendations addressed to the Committee itself at least fourteen of the 135 recommendations made in IRCC Part II were likely to require rule or practice direction amendments were they to be accepted;
- 2) agreed that it would serve no useful purpose to discuss at length recommendations which were not addressed to the Committee;

- 3) considered nevertheless recommendation 115 (“I recommend that the Senior Judiciary update Criminal Practice Directions so that a newly appointed advocate on a case should be required promptly to review the case upon appointment and submit a formal notification to the court of any outstanding issues impacting trial readiness at the earliest opportunity.”); and
- 4) provisionally concluded that unless there were implemented other IRCC recommendations for improved legal aid provision for pre-trial case preparation by advocates then this recommendation might prove impractical.

Agenda item 11 (paper (26)25): independent stalking advocate as companion and adviser, terminology in the Rules

The Committee agreed to amend rule 3.8 in substantially the manner proposed, subject to:

- 1) redrafting to omit the reference to “adviser”, which expression the proposed amendment would render superfluous; and
- 2) the addition to the definition of “advocate” in rule 2.2(1) of a note to draw attention to the fact that in some other legislation some witness companions were described as “advocates”, to whom the definition in the rules did not apply.

Agenda item 12 (paper (26)26): Courts and Tribunals Bill, introduction

The Committee noted the introduction.

Agenda item 13 (paper (26)27): Courts and Tribunals Bill, trial without a jury

The Committee:

- 1) noted the substantial controversy attaching to the Bill proposals; but
- 2) agreed that the procedure need only be as straightforward as was proposed and provisionally approved the draft rules.

Agenda item 14 (paper (26)28): Courts and Tribunals Bill, appeal to the Crown Court

The Committee:

- 1) discussed at length and with concern the procedural complexity generated by what would become statutory requirements for extensively reasoned advice in magistrates’ courts, the formulation and perhaps revision of grounds of appeal, and the need for Crown Court staff to exercise functions similar to those of Criminal Appeal Office staff;
- 2) directed a clarification of the proposed amendments to rule 34.8(1) and (2) governing the conduct of any hearing that there might be of an application for permission to appeal; and
- 3) agreed that the chair should consider the means by which members’ concerns best should be communicated to the Ministry of Justice.

Agenda item 15: other business**A: authority for authorised court officers to give live link directions (paper (26)29)**

The Committee considered a proposal to increase the number of live link decisions that could be taken by authorised court officers, made by those reviewing the Chief Justice's statutory guidance about the use of live links. The Committee (i) agreed to enlarge the authority that could be conferred upon Crown Court staff, and (ii) agreed that magistrates' legal advisers' powers already were sufficient to achieve what was sought.

B: guidance for unrepresented defendants

The Committee received an oral report of further progress in the dissemination and use of guidance for unrepresented defendants (now available to the public at <https://www.gov.uk/guidance/rules-and-practice-directions-2020#criminal-court-procedure>, at [this document address](#)), to which attention would be drawn in a pilot scheme hoped shortly to commence.

Dates of next meetings

Friday 1st May, 2026; and

Friday 12th June, 2026

The meeting closed at 3.45pm.