

CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 12th JUNE, 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
Jacob Hallam KC	Barrister
Paul Jarvis KC	Barrister
Edmund Smyth	Solicitor
Bartholomew Dalton	Solicitor
Chief Constable Tim De Meyer	National Police Chiefs' Council
Rebecca White	Voluntary organisation representative

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 the Director of Public Prosecutions, and from the Chief Magistrate.

Agenda item 2: draft minutes of the meeting on 1st May, 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 had considered forms of application and appeal in relation to stalking protection orders, confiscation proceedings, serious crime prevention orders and the issue of a summons or warrant in a magistrates' court.

Discussion had been lively, with many contributors. The group had asked for a number of adjustments before reviewing the forms again.

Agenda item 4 (papers (26)44 & 50): signature of the Criminal Procedure (Amendment) (No. 2) Rules 2026

The Committee approved final adjustments to the draft statutory instrument identified in paper (26)50. Members present in person signed the document and those absent assented by email.

Agenda item 5 (paper (26)45): Independent Review of Criminal Courts recommendation 98, potential measures to reform Criminal Procedure Rules

The chair observed that Criminal Procedure Rules contributed to effective case management but other activities, too, played a critical part, including the use of forms and of the online versions of paper forms, all of which were maintained by others. Others, too, were responsible for training members of the judiciary and members of court staff in the use of those forms, and responsible for the management of the use of those forms. The Committee could make a significant contribution to such activities but could not require that they be carried out. The objective should be to bring separate discussions together to achieve the same desired outcome.

In subsequent discussion:

- David Barrand JP presented to Committee members and explained in detail the proposals set out in the project document annexed to the Committee paper, summarised by the chair as (a) the creation of rules and guidance documents designed for different readerships and uses, and (b) the deployment of those documents into the practice of criminal courts, especially those setting out workflows in electronic texts, in such a way as to improve case management efficiency.
- the Committee thanked and congratulated Mr Barrand.
- Committee members:
 - considered the advantages and potential risks associated with the creation of many separate workflow documents, notably the risk that with many contributing, and over time, initial simplification might be lost;
 - agreed that substantial resourcing for the proposed project would be required; and
 - asked that the proposal should be considered by those in the Ministry of Justice responsible for advising ministers on criminal court reform.

Agenda item 6 (paper (26)46): audio recording in magistrates' courts

The Committee:

- 1) considered a proposal to integrate potential procedure rules for magistrates' courts with existing provision for the Crown Court, despite the caveats that primary legislation had yet to be enacted and that contractual and other aspects of transcription in the Crown Court remained under consideration elsewhere;
- 2) discussed the practical difficulties likely to be encountered in identifying portions of a day's recording of all proceedings, in at least one court room and

potentially more than one, relevant to a specific case heard at a magistrates' court;

- 3) discussed the practical and other difficulties likely to be encountered in ensuring the accuracy of transcript and the appropriate extent of its distribution, including in particular the statutory restrictions on the reporting of participants and proceedings in a youth court; and
- 4) agreed that in principle relevant procedure in magistrates' courts and in the Crown Court should be the same, subject to the eventual details of such primary legislation as Parliament might now enact.

Agenda item 7 (paper (26)47): regulation of expert witnesses

The Committee:

- 1) agreed that Criminal Procedure Rules could not determine the admissibility of expert evidence, which in criminal proceedings remained a matter to be determined by the common law as applied by the court;
- 2) agreed nevertheless that it would assist for rules and practice directions to require expert reports to include, as a distinct element of expertise and in addition to the existing requirements to identify qualifications, experience and accreditation, a reference to such regulation as might apply to the expert witness (or the absence of regulation, if that were the case); and
- 3) postponed further discussion and final decision until there was known the imminent decision of the Family Procedure Rule Committee on a proposal for the comparable amendment of Family Procedure Rules and associated practice directions.

Agenda item 8 (paper (26)48): evidence of bad character, evidence of a complainant's previous sexual behaviour, Courts and Tribunals Bill amendments

The Committee:

- 1) discussed the potential use of rules or forms to facilitate the interpretation and application of the statutory requirements;
- 2) agreed that, such was the complexity inherent in applying those requirements to the facts of individual cases, the only significant procedure rule remained the requirement to apply in writing and in advance of trial; and
- 3) recognising the difficulty often encountered in practice of distinguishing between applications to introduce bad character evidence, to which CrimPR Part 21 applied, and applications to introduce previous sexual behaviour evidence, to which CrimPR Part 22 applied, directed further discussion of potential provision for an application which raised both together.

Agenda item 9: outcome of the most recent meeting of the cross-jurisdictional contempt of court procedural rules working group (oral report)

The chair reported that the working group now was generally satisfied with template rules which it had prepared for potential adoption by jurisdictions having as yet no procedure rules about contempt of court. However, the Law Commission had announced plans to issue next year the second part of its report, with a draft Bill, as a result of which the group had decided to collect any further views from bodies participating in that group in order to relay them to the Commission. The group would

meet for that purpose at the end of July. At the meeting of this Committee on 24th July, therefore, members would be invited to discuss CrimPR Part 48 generally and to offer views on what further primary legislation the Law Commission should be encouraged to recommend.

Agenda item 10: other business

Three items of other business were raised:

- A. Draft listing practice direction. The chair reported that a draft new criminal case listing practice direction recently had been discussed by Resident judges which it was hoped would be issued before the Committee next met. The practice direction was expected to come into force in the autumn. It would require training, and it might benefit in due course from rule changes to support its provisions.
- B. Consultation by the Family / Criminal Interface Steering Committee. The joint chairs of the steering committee invited this Committee's views on future arrangements to consult on changes to the 2024 Protocol on Disclosure of Information between Family and Criminal Agencies and Jurisdictions. The Committee welcomed the proposed arrangements, but remarked the need for better arrangements to inform criminal courts of reporting directions made by the Family Court.
- C. Use of second class post for sending documents by HM Courts and Tribunals Service (paper (26)51). The Committee agreed that the documents listed by HMCTS as ones proposed for service by second class post were not in fact documents the service of which was required, or, therefore, governed, by Criminal Procedure Rules.

Dates of next meetings

Friday 24th July, 2026; and

Friday 2nd October, 2026.

The meeting closed at 3.05pm.