

# CRIMINAL PROCEDURE RULE COMMITTEE

MEETING ON FRIDAY 24<sup>th</sup> JULY, 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                                                                  |
| Rebecca White        | Voluntary organisation representative                                      |

#### *Guests*

|                            |                                                                 |
|----------------------------|-----------------------------------------------------------------|
| Mr Justice Nicklin         | Chair, Lady Chief Justice's Transparency and Open Justice Board |
| Professor David Ormerod KC | University College, London                                      |
| Christina Pride            | Ministry of Justice                                             |
| Laura Hutcheson            | Ministry of Justice                                             |
| John Wallis                | Ministry of Justice                                             |
| Dr Lawrence McNamara       | Law Commission                                                  |
| Yasmin Ilhan               | Law Commission                                                  |
| Lauren Schaefer            | Law Commission                                                  |

### **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 Chief Constable Tim De Meyer, and from the Chief Magistrate.

### **Agenda item 2: draft minutes of the meeting on 12<sup>th</sup> June, 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:

- (1) reviewed and approved, as adjusted, amendments to forms of application and appeal in relation to stalking protection orders.
- (2) reviewed and adjusted proposed amendments to the form of application for a direction for a live link from abroad, the better to accommodate arrangements likely to be made where mutual legal assistance was given by a foreign jurisdiction.
- (3) anticipating a greater use of online forms in future, discussed generally the desirability of retaining forms for use on paper by those unable to use online forms, and the importance of publishing such forms in simple and accessible terms.

### **Agenda item 4 (papers (26)51 & 52): open justice and the overriding objective**

Mr Justice Nicklin addressed the Committee on the progress made by the Transparency and Open Justice Board. He reported that (a) the Civil Procedure Rule Committee, the Family Procedure Rule Committee and the Tribunal Procedure Committee had welcomed further consideration of how the Board's key objectives might appropriately be reflected within their overriding objectives and had established working groups to consider these issues, and (b) the Board would welcome the opportunity for the Criminal Procedure Rule Committee to contribute to that cross-jurisdictional work.

The Committee:

- (1) agreed in principle that Part 1 of the Criminal Procedure Rules, the overriding objective, should refer explicitly to the open justice principle.
- (2) discussed at length with Mr Justice Nicklin the formulation of an appropriate amendment. Opinions differed on the interpretation of a "promotion" of open justice and on other details, and no consensus was reached.
- (3) agreed in principle that the overriding objectives for each Procedure Rule Committee's rules should be consistent, with such variations only as were appropriate to each jurisdiction.
- (4) directed that steps should be taken to secure the Committee's participation in the other Procedure Rule Committees' discussions.

### **Agenda item 5 (papers (26)53 & 54): recording and transcription of proceedings, supply of transcript**

Laura Hutcheson and John Wallis of the Ministry of Justice reported on preparations in hand for the implementation of section 22 of the Sentencing Act 2026 (Provision of transcripts of sentencing remarks to victims), and asked Committee members to consider three questions:

- (1) What are the Committee's views on the role of judicial oversight in the (1) approval and (2) release of Crown Court transcripts, particularly in light of the divergence between the CrimPRs, contractual obligations and operational practice?
- (2) Does the current approach to exceptions to transcript provision, as set out in CrimPD 2.6.20, remain appropriate, or should it be reviewed as free access to sentencing remarks expands?

- (3) Does the Committee have any observations on the option of judges identifying, in advance, cases where oversight should be retained due to particular sensitivities or public interest considerations?

The Committee:

- (1) discussed at length the potential risks occasioned by an unsupervised supply of transcript, among them the risks of inaccuracy and of publication by a recipient in breach of a reporting restriction.
- (2) accepted nevertheless the practical impossibility of judicial supervision of transcript supply in every case, in particular given the anticipated, and potentially substantial, increase in the number of requests following implementation of the 2026 Act and noting the likely need to rely upon information technology, including artificial intelligence, in the preparation of transcript.
- (3) doubted the practicality of requiring judges to indicate, at the point of sentencing, in which cases transcript supply should require judicial supervision and in which it should not.
- (4) agreed that the supply of transcript in certain categories of case might require judicial supervision as a matter of course, notably cases involving children and cases of serious sexual offences.
- (5) directed a revision of present draft rule amendments, in consultation with the Ministry of Justice.

**Agenda item 6 (papers (26)55 & 47): expert witnesses, requirement to disclose regulation**

The Committee approved the proposed rule amendments, and endorsed the proposed recommendations to the Lady Chief Justice for the amendment of Criminal Practice Directions.

**Agenda item 7 (paper (26)56): confiscation and confiscation enforcement proceedings, Crime and Policing Act 2026 amendments**

The Committee secretary reported that adjustments to draft rule amendments in CrimPR Part 33 now were proposed following further consultation with Home Office and Crown Prosecution Service colleagues. The Committee directed further discussion at the next meeting.

**Agenda item 8 (paper (26)57): confiscation appeal proceedings, Crime and Policing Act 2026 amendments**

The Committee approved the proposed rule amendments, subject to correction of the reference in rule 39.3(4) to the consequences of a determination by the Crown Court under section 10A of the Proceeds of Crime Act 2002.

**Agenda item 9 (paper (26)58): joint Procedure Rule Committees' contempt of court working group, Law Commission contempt report**

Committee members asked that the Law Commission should consider, or reconsider:

- (a) the proposed description of disruptive conduct in court.
- (b) the power of a court or tribunal to refer alleged contempt to the High Court.

- (c) the power of a court or tribunal to refer conduct to a senior judge or to the police.
- (d) recommendations already made about liability for contempt, and the terms in which current Commission recommendations 17 and 18 were expressed.

The chair invited the Law Commission to formulate for the Committee's meeting in October any final questions which the Commission would find it helpful for the Rule Committee to discuss.

**Agenda item 10 (paper (26)59): joint Procedure Rule Committees' artificial intelligence working group**

Mr Justice Griffiths reported on the convening of a new joint Procedure Rule Committees' working group. Committee members discussed generally the circumstances in which artificial intelligence could assist, and circumstances in which it might introduce novel risks to the integrity of evidence.

The Committee approved:

- (1) continuing participation in the working group.
- (2) the formulation of potential requirements for parties to disclose such use of artificial intelligence as may have been made in preparation for trial.

**Agenda item 11 (paper (26)60): the Online Procedure Rules 2026**

Committee members discussed the new Online Procedure Rules and the desirability of online forms, including online case management forms as presently available in criminal proceedings.

**Agenda item 12: other business**

- A. The chair reported an encouraging reaction to the proposal for flowcharts and their use in the simplification of case management, which the Committee had discussed at the last meeting. He proposed, and the Committee agreed, that arrangements should be established to ensure liaison and collaboration with a judicial Better Case Management group chaired by Mrs Justice Cutts.
- B. Mr Barrand circulated a further example of a procedure flow chart, this for the steps to be taken by a magistrates' court at the first hearing in a case. The chair directed that this approach to procedure should be discussed again at the Committee's meeting in October, inviting any comments in the meantime.

**Dates of next meetings**

Friday 2<sup>nd</sup> October, 2026; and

Friday 6<sup>th</sup> November, 2026

The meeting closed at 3.35pm.