



Courts Act 2003

2003 CHAPTER 39

PART 7

PROCEDURE RULES AND PRACTICE DIRECTIONS

Criminal Procedure Rules and practice directions

68 Meaning of “criminal court”

In this Part “criminal court” means—

- (a) the criminal division of the Court of Appeal;
- (b) when dealing with any criminal cause or matter—
 - (i) the Crown Court;
 - (ii) a magistrates' court.

69 Criminal Procedure Rules

- (1) There are to be rules of court (to be called “Criminal Procedure Rules”) governing the practice and procedure to be followed in the criminal courts.
- (2) Criminal Procedure Rules are to be made by a committee known as the Criminal Procedure Rule Committee.
- (3) The power to make Criminal Procedure Rules includes power to make different provision for different cases or different areas, including different provision—
 - (a) for a specified court or description of courts, or
 - (b) for specified descriptions of proceedings or a specified jurisdiction.
- (4) Any power to make or alter Criminal Procedure Rules is to be exercised with a view to securing that—
 - (a) the criminal justice system is accessible, fair and efficient, and
 - (b) the rules are both simple and simply expressed.

Status: This is the original version (as it was originally enacted).

70 Criminal Procedure Rule Committee

- (1) The Criminal Procedure Rule Committee is to consist of—
 - (a) the Lord Chief Justice, and
 - (b) the persons currently appointed by the Lord Chancellor under subsection (2).
- (2) The Lord Chancellor must appoint—
 - (a) a person nominated by the Secretary of State,
 - (b) three persons each of whom is either a puisne judge of the High Court or an ordinary judge of the Court of Appeal,
 - (c) two Circuit judges with particular experience of sitting in criminal courts,
 - (d) one District Judge (Magistrates' Courts),
 - (e) one lay justice,
 - (f) one justices' clerk,
 - (g) the Director of Public Prosecutions or a person nominated by the Director,
 - (h) two persons who have a Supreme Court qualification and who have particular experience of practice in criminal courts,
 - (i) two persons who—
 - (i) have been granted by an authorised body, under Part 2 of the 1990 Act, the right to conduct litigation in relation to all proceedings in the Supreme Court, and
 - (ii) have particular experience of practice in criminal courts,
 - (j) one person who appears to represent the Association of Chief Police Officers, and
 - (k) two persons who appear to represent voluntary organisations with a direct interest in the work of criminal courts.
- (3) Before appointing a person under subsection (2)(b) to (f), the Lord Chancellor must consult the Lord Chief Justice.
- (4) The Criminal Procedure Rule Committee is to be chaired by the Lord Chief Justice; and one of the judges appointed under subsection (2)(b) is to be his deputy.
- (5) The Lord Chancellor may reimburse—
 - (a) the travelling and out-of-pocket expenses of the members of the Criminal Procedure Rule Committee, and
 - (b) authorised travelling and out-of-pocket expenses of persons invited to participate in the work of the Committee.
- (6) “The 1990 Act” means the Courts and Legal Services Act 1990 (c. 41).

71 Power to change certain requirements relating to Committee

- (1) The Lord Chancellor may by order—
 - (a) amend section 70(2) (persons to be appointed to Committee by Lord Chancellor), and
 - (b) make consequential amendments in any other provision of section 70.
- (2) Before making an order under this section the Lord Chancellor must consult the Lord Chief Justice.

72 Process for making Criminal Procedure Rules

- (1) The Criminal Procedure Rule Committee must, before making Criminal Procedure Rules—
 - (a) consult such persons as they consider appropriate, and
 - (b) meet (unless it is inexpedient to do so).
- (2) Rules made by the Criminal Procedure Rule Committee must be—
 - (a) signed by a majority of the members of the Committee, and
 - (b) submitted to the Lord Chancellor.
- (3) The Lord Chancellor may, with the concurrence of the Secretary of State, allow, disallow or alter rules so made.
- (4) Before altering rules so made the Lord Chancellor must consult the Committee.
- (5) Rules so made, as allowed or altered by the Lord Chancellor—
 - (a) come into force on such day as the Lord Chancellor directs, and
 - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.
- (6) Subject to subsection (7), a statutory instrument containing Criminal Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A statutory instrument containing rules altered by the Lord Chancellor is of no effect unless approved by a resolution of each House of Parliament before the day referred to in subsection (5)(a).

73 Power to amend legislation in connection with the rules

The Lord Chancellor may, with the concurrence of the Secretary of State, by order amend, repeal or revoke any enactment to the extent that he considers necessary or desirable—

- (a) in order to facilitate the making of Criminal Procedure Rules, or
- (b) in consequence of section 69 or 72 or Criminal Procedure Rules.

74 Practice directions as to practice and procedure of the criminal courts

- (1) The Lord Chief Justice may, with the concurrence of the Lord Chancellor, give directions as to the practice and procedure of the criminal courts.
- (2) Directions as to the practice and procedure of the criminal courts may not be given by anyone other than the Lord Chief Justice without the approval of the Lord Chief Justice and the Lord Chancellor.
- (3) The power to give directions under subsection (1) includes power—
 - (a) to vary or revoke directions as to the practice and procedure of the criminal courts (or any of them), whether given by the Lord Chief Justice or any other person,
 - (b) to give directions containing different provision for different cases (including different areas), and
 - (c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.

Status: This is the original version (as it was originally enacted).

- (4) Nothing in this section prevents the Lord Chief Justice, without the concurrence of the Lord Chancellor, giving directions which contain guidance as to law or making judicial decisions.