



# Judicial Review and Courts Act 2022

## 2022 CHAPTER 35

### PART 2

#### COURTS, TRIBUNALS AND CORONERS

### CHAPTER 1

#### CRIMINAL PROCEDURE

#### *Miscellaneous and consequential provision*

PROSPECTIVE

#### **14 Involvement of parent or guardian in proceedings conducted in writing**

- (1) Section 34A of the Children and Young Persons Act 1933 (attendance at court of parent or guardian) is amended as follows.
- (2) In the heading, after “court” insert “or other involvement”.
- (3) After subsection (1) insert—

“(1A) Where a child or young person (C) is charged with an offence, the court—

- (a) may in any case; and
- (b) must in a case where C is under the age of sixteen years,

exercise the functions conferred by subsections (1B) and (1C) (insofar as they are applicable to the proceedings) unless and to the extent that the court is satisfied that it would be unreasonable to do so, having regard to the circumstances of the case.

- (1B) Where any stage of the proceedings is conducted in writing, the court may or (as the case may be) must—

*Status: This version of this cross heading contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Cross Heading: Miscellaneous and consequential provision. (See end of Document for details)

- (a) ascertain whether a person who is a parent or guardian of C is aware that the written proceedings are taking place, and
  - (b) if it appears to the court that no parent or guardian is aware of that, provide information about the written proceedings to at least one such person.
- (1C) Where C gives a written indication of plea under section 24ZA of the Magistrates’ Courts Act 1980, the court may or (as the case may be) must—
- (a) ascertain whether a person who is a parent or guardian of C is aware that the written indication of plea has been given, and
  - (b) if it appears to the court that no parent or guardian is aware of that, bring the written indication of plea to the attention of at least one such person.”
- (4) In subsection (2), for “the reference in subsection (1)” substitute “a reference in any of subsections (1) to (1C)”.

#### Commencement Information

II S. 14 not in force at Royal Assent, see [s. 51\(4\)](#)

## 15 Removal of certain requirements for hearings about procedural matters

- (1) In section 2 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (issue of witness summons on application to Crown Court), in subsection (8)(d), at the end insert “(if the application is determined at a hearing)”.
- (2) In section 8C of the Magistrates’ Courts Act 1980 (restrictions on reporting of certain pre-trial hearings in the magistrates’ court), in subsections (4)(a) and (5)(a), for “hearing” substitute “considering”.
- (3) In section 11 of the Criminal Justice Act 1987 (restrictions on reporting of certain preparatory hearings in the Crown Court), in subsections (7) and (8), for “hearing” substitute “considering”.
- (4) In the Criminal Procedure and Investigations Act 1996—
  - (a) in section 37 (restrictions on reporting of certain preparatory hearings in the Crown Court), in subsections (6) and (7), for “hearing” substitute “considering”;
  - (b) in section 41 (restrictions on reporting of certain pre-trial hearings in the Crown Court), in subsections (4) and (5), for “hearing” substitute “considering (in the case of proceedings in England and Wales) or hearing (in the case of proceedings in Northern Ireland)”.
- (5) In the Crime and Disorder Act 1998—
  - (a) in section 52A (restrictions on reporting of certain initial proceedings in the magistrates’ court), in subsections (3) and (4), for “hearing” substitute “considering”;
  - (b) in paragraph 3 of Schedule 3 (restrictions on reporting of applications for dismissal of charge in the Crown Court), in sub-paragraph (3), for “hearing” substitute “considering”.

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- (6) In section 47 of the Youth Justice and Criminal Evidence Act 1999 (restrictions on reporting of certain matters to do with witnesses), in subsections (4) and (5), for “hearing” substitute “considering (in the case of proceedings in England and Wales) or hearing (in the case of other proceedings)”.
- (7) In section 71 of the Criminal Justice Act 2003 (restrictions on reporting of prosecution appeals), in subsections (5)(a) and (6)(a), for “hearing” substitute “considering”.

#### Commencement Information

I2 S. 15 in force at 28.6.2022, see s. 51(3)(a)

## 16 Documents to be served in accordance with Criminal Procedure Rules

Schedule 1 amends various provisions to do with the service or delivery of documents so as to allow the same methods to be adopted as for service under Criminal Procedure Rules.

#### Commencement Information

I3 S. 16 in force at 28.6.2022, see s. 51(3)(b)

PROSPECTIVE

## 17 Power to make consequential or supplementary provision

- (1) The Lord Chancellor may, by regulations, make consequential or supplementary provision in relation to any provision of this Chapter.
- (2) The regulations may, in particular, amend, repeal or revoke—
  - (a) any provision of an Act passed before this Act or in the same Session, or
  - (b) any provision contained in subordinate legislation within the meaning of the Interpretation Act 1978 (whenever the legislation was made or the Act under which it was made was passed).
- (3) Regulations under this section that amend or repeal any provision of an Act are subject to affirmative resolution procedure (see section 49(3)).
- (4) Any other regulations under this section are subject to negative resolution procedure (see section 49(4)).

#### Commencement Information

I4 S. 17 not in force at Royal Assent, see s. 51(4)

## 18 Consequential and related amendments

Schedule 2 contains amendments that are consequential on, or related to, the preceding provisions of this Chapter.

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#### Commencement Information

- I5** S. 18 in force at Royal Assent for specified purposes, see [s. 51\(1\)\(c\)](#)
- I6** [S. 18](#) in force at 14.7.2022 for specified purposes by [S.I. 2022/816](#), [regs. 1\(2\)](#), 3(d)

**Status:**

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