
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

GLOSSARY

This glossary is a guide to the meaning of certain legal expressions as used in these rules.

<i>Expression</i>	<i>Meaning</i>
account monitoring order	an order requiring certain types of financial institution to provide certain information held by them relating to a customer for the purposes of an investigation
action plan order	a type of community sentence requiring a child or young person to comply with a three month plan relating to his actions and whereabouts and to comply with the directions of a responsible officer (e.g. probation officer)
admission of evidence	acceptance by the court of the evidence into proceedings (not all evidence tendered by the parties may be allowable in court)
to adduce	to put forward (in evidence)
to adjourn	to suspend or delay the hearing of a case until another day
advance information	information about the case against an accused, to which the accused may be entitled before he or she enters a plea
affidavit	a written, sworn statement of evidence
affirmation	a non-religious alternative to the oath sworn by someone about to give evidence in court or swearing a statement
appellant	person who is appealing against a decision of the court
to arraign	to put charges to the defendant in open court in the Crown Court
arraignment	the formal process of putting charges to the defendant in the Crown Court which consists of three parts: (1) calling him to the bar by name, (2) putting the charges to him by reading from the indictment and (3) asking him whether he pleads guilty or not guilty

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<i>Expression</i>	<i>Meaning</i>
authorities	judicial decisions or opinions of authors of repute used as grounds of statements of law
bill of indictment	a written accusation of a crime against one or more persons—a criminal trial in the Crown Court cannot start without a valid indictment
in camera (trial)	proceedings which are held in private
case stated	an appeal to the High Court against the decision of a magistrates' court on the basis that the decision was wrong in law or in excess of the magistrates' jurisdiction
in chambers	proceedings which may be held in private
child safety order	an order made by a magistrates' court placing a child under the supervision of a responsible officer where the child has committed acts which could, had he been over 10 years old at the time, have constituted an offence or which have or are likely to cause harassment, alarm or distress
committal	sending someone to a court (usually from a magistrates' court to the Crown court) or to prison
committal for sentence	procedure whereby a person convicted in a magistrates' court is sent to the Crown Court for sentencing when the sentencing powers of the magistrates' court are not considered sufficient
committal proceedings	preliminary hearing in a magistrates' court before a case is sent to be tried before a jury in the Crown Court
compellable witness	a witness who can be forced to give evidence against an accused (not all witnesses are compellable)
compensation order	an order that a convicted person must pay compensation for loss or damage caused by the convicted person
complainant	a person who makes a formal complaint—in relation to an offence of rape or other sexual offences the complainant is the person against whom the offence is alleged to have been committed
complaint	document used to start certain types of proceedings in a magistrates' court, or the process of using such a document to start proceedings

<i>Expression</i>	<i>Meaning</i>
conditional discharge	an order which does not impose any immediate punishment on a person convicted of an offence, subject to the condition that he does not commit an offence in a specified period
confiscation order	an order that private property be taken into possession by the state
Convention right	a right under the European Convention on Human Rights
costs	the expenses involved in a court case, including the fees of the solicitors and barristers and of the court
counsel	a barrister
cross examination	questioning of a witness by a party other than the party who called the witness
custody time limit	the maximum period, as set down in statute, for which a person may be kept in custody before being brought to trial—these maximum periods may only be extended by an order of the judge
customer information order	an order requiring a financial institution to provide certain information held by them relating to a customer for the purposes of an investigation into the proceeds of crime
declaration of incompatibility	a declaration by a court that a piece of UK legislation is incompatible with the provisions of the European Convention of Human Rights
deferred sentence	a sentence which is determined after a delay to allow the court to assess any change in the person's conduct or circumstances after his or her conviction
deposition	written record of a witness' written evidence
estreatment (of recognizance)	forfeiture
evidence in chief	the evidence given by a witness for the party who called him
examining justice	a magistrate carrying out his or her function of checking that a case appears on the face of the prosecution case papers to exist against an accused before the case is put forward for trial in the Crown Court—see committal and sending for trial
exhibit	a document or thing presented as evidence in court
ex parte	a hearing where only one party is allowed to attend and make submissions

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<i>Expression</i>	<i>Meaning</i>
forfeiture by peaceable re-entry	the re-possession by a landlord of premises occupied by tenants
guardianship order	an order appointing someone to take charge of a child's affairs and property
hearsay evidence	oral or written statements made by someone who is not a witness in the case but which the court is asked to accept as proving what they say—this expression is defined further by rule 34.1 for the purposes of Part 34, and by rule 57.1 for the purposes of Parts 57–61
hospital order	an order that an offender be admitted to and detained in a specified hospital
indictment	the document containing the formal charges against a defendant—a trial in the Crown Court cannot start without this
informant	someone who lays an information
information	statement by which a magistrate is informed of the offence for which a summons or warrant is required—the procedure by which this statement is brought to the magistrates' attention is known as laying an information
interested party	a person or organisation who is not the prosecutor or defendant but who has some other legal interest in a criminal case—this expression is defined further in rule 66.1, for the purposes of Part 66 only
intermediary	a person who asks a witness (particularly a child) questions posed by the cross-examining legal representative
inter partes	a hearing where both parties attend and can make submissions
justice of the peace	a lay magistrate or District Judge (Magistrates' Courts);
justices' clerk	post in the magistrates' court of person who has various powers and duties in a magistrates' court, including giving advice to the magistrates on law and procedure
leave of the court	permission granted by the court
leave to appeal	permission granted to appeal the decision of a court
letter of request	letter issued to a foreign court asking a judge to take the evidence of some person within that court's jurisdiction
to levy distress	to seize property from a debtor or a wrongdoer

<i>Expression</i>	<i>Meaning</i>
live link	audio and/or video equipment set up in order to enable evidence to be given from outside the court room in which a case is being heard
local justice area	an area established for the purposes of the administration of magistrates' courts
mandatory order	order from the divisional Court of the Queen's Bench Division ordering a body (such as a magistrates' court) to do something (such as rehear a case)
nominated court	a court nominated to take evidence pursuant to a request by a foreign court
notice of transfer	procedure used in cases of serious and complex fraud, and in certain cases involving child witnesses, whereby the prosecution can, without seeking judicial approval, have the case sent direct to the Crown Court without the need to have the accused committed for trial
offence triable only summarily	an offence which can be tried only in a magistrates' court
offence triable either way	an offence which may be tried either in the magistrates' court or in the Crown Court
offence triable only on indictment	an offence which can be tried only in the Crown Court
in open court	in a courtroom which is open to the public
order of committal	an order sending someone to prison for contempt of court
order restricting discharge	an order restricting the discharge from hospital of patients who have been sent there for psychiatric treatment
parenting order	an order which can be made in certain circumstances where a child has been convicted of an offence which may require parents of the offender to comply with certain requirements including attendance of counselling or guidance sessions
party	a person or organisation directly involved in a criminal case, either as prosecutor or defendant
practice direction	direction relating to the practice and procedure of the courts
to prefer, preferment	to bring or lay a charge or indictment
preparatory hearing	a hearing forming part of the trial sometimes used in long and complex cases to settle various issues without requiring the jury to attend

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<i>Expression</i>	<i>Meaning</i>
prima facie case	a prosecution case which is strong enough to require the defendant to answer it
primary legislation	Acts of Parliament
realisable property	property which can be sold for money
receiver	a person appointed with certain powers in respect of the property and affairs of a person who has obtained such property in the course of criminal conduct and who has been convicted of an offence—there are various types of receiver (management receiver, director’s receiver, enforcement receiver)
receivership order	an order that a person’s assets be put into the hands of an official with certain powers and duties to deal with that property
recognizance	formal undertaking to pay the crown a specified sum if an accused fails to surrender to custody
register	the formal records kept by a magistrates’ court
to remand	to send a person away when a case is adjourned until another date—the person may be remanded on bail (when he can leave, subject to conditions) or in custody
reparation order	an order made against a child or young person who has been convicted of an offence, requiring him or her to make specific reparations to the victim or to the community at large
representation order	an order authorising payment of legal aid for a defendant
respondent	the other party (to the appellant) in a case which is the subject of an appeal
restraint order	an order prohibiting a person from dealing with any realisable property held by him
seal	a formal mark which the court puts on a document to indicate that the document has been issued by the court
security	money deposited to ensure that the defendant attends court
sending for trial	procedure whereby indictable offences are transferred to the Crown Court without the need for a committal hearing in the magistrates’ court
skeleton argument	a document prepared by a party or their legal representative setting out the basis of the party’s argument, including any arguments

<i>Expression</i>	<i>Meaning</i>
	based on law—the court may require such documents to be served on the court and on the other party prior to a trial
special measures	measures which can be put in place to provide protection and/or anonymity to a witness (e.g. a screen separating witness from the accused)
statutory declaration	a declaration made before a Commissioner for Oaths in a prescribed form
to stay	to halt proceedings, apart from taking any steps allowed by the Rules or the terms of the stay—proceedings may be continued if a stay is lifted
summons	a document signed by a magistrate after an information is laid before him which sets out the basis of the accusation against the accused and the time and place when he must appear
surety	a person who guarantees that a defendant will attend court
suspended sentence	sentence which takes effect only if the offender commits another offence punishable with imprisonment within the specified period
supervision order	an order placing a person who has been given a suspended sentence under the supervision of a local officer
tainted acquittal	an acquittal affected by interference with a witness or a juror
taxation of costs	the assessment of the expenses involved in a court case
taxing authority	a body which assesses costs
Taxing Master	a judge who assesses costs
territorial authority	the UK authority which has power to do certain things in connection with co-operation with other countries and international organisations in relation to the collection of or hearing of evidence etc
transfer direction (mental health)	a direction that a person who is serving a sentence of imprisonment who is suffering from a mental disorder be transferred to a hospital and be detained there for treatment
warrant of arrest	court order to arrest a person
warrant of commitment	court order sending someone to prison
warrant of distress	court order giving the power to seize goods from a debtor to pay his debts
warrant of detention	a court order authorising someone's detention

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<i>Expression</i>	<i>Meaning</i>
wasted costs order	an order that a barrister or solicitor is not to be paid fees that they would normally be paid by the Legal Services Commission
witness	a person who gives evidence, either by way of a written statement or orally in court
witness summons	a document served on a witness requiring him or her to attend court to give evidence
writ of venire de novo	an order directing a new trial after a mistrial involving a fundamental irregularity
youth court	magistrates' courts exercising jurisdiction over offences committed by and other matters related to, children and young persons.
