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STATUTORY INSTRUMENTS

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**2013 No. 1554**

**The Criminal Procedure Rules 2013**

**PART 2**

**UNDERSTANDING AND APPLYING THE RULES**

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**When the Rules apply**

**2.1.**—(1) In general, the Criminal Procedure Rules apply—

- (a) in all criminal cases in magistrates' courts and in the Crown Court; and
- (b) in all cases in the criminal division of the Court of Appeal.

(2) If a rule applies only in one or two of those courts, the rule makes that clear.

(3) The Rules apply on and after 7<sup>th</sup> October, 2013, but unless the court otherwise directs they do not affect a right or duty existing under The Criminal Procedure Rules 2012(1).

(4) In a case in which a request for extradition was received by a relevant authority in the United Kingdom on or before 31<sup>st</sup> December, 2003—

- (a) the rules in Part 17 (Extradition) do not apply; and
- (b) the rules in Part 17 of The Criminal Procedure Rules 2012 continue to apply as if those rules had not been revoked.

*[Note. The rules replaced by the first Criminal Procedure Rules (The Criminal Procedure Rules 2005(2)) were revoked when those Rules came into force by provisions of the Courts Act 2003, The Courts Act 2003 (Consequential Amendments) Order 2004(3) and The Courts Act 2003 (Commencement No. 6 and Savings) Order 2004(4). The first Criminal Procedure Rules reproduced the substance of all the rules they replaced.*

*The rules in Part 17 of The Criminal Procedure Rules 2012 applied to extradition proceedings under the Backing of Warrants (Republic of Ireland) Act 1965(5) or under the Extradition Act*

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(1) S.I. 2012/1726; amended by S.I. 2012/3089.

(2) S.I. 2005/384; amended by S.I. 2006/353, 2006/2636, 2007/699, 2007/2317, 2007/3662, 2008/2076, 2008/3269 and 2009/2087.

(3) S.I. 2004/2035.

(4) S.I. 2004/2066.

(5) 1965 c. 45; the Act was repealed by section 218(a) of, and Schedule 4 to, the Extradition Act 2003 (c. 41).

1989(6). By section 218 of the Extradition Act 2003(7), the 1965 and 1989 Acts ceased to have effect when the 2003 Act came into force. By article 2 of the Extradition Act 2003 (Commencement and Savings) Order 2003(8), the 2003 Act came into force on 1<sup>st</sup> January, 2004. However, article 3 of that Order(9) provided that the coming into force of the Act did not apply for the purposes of any request for extradition, whether made under any of the provisions of the Extradition Act 1989 or of the Backing of Warrants (Republic of Ireland) Act 1965 or otherwise, which was received by the relevant authority in the United Kingdom on or before 31<sup>st</sup> December, 2003.]

## Definitions

2.2.—(1) In these Rules, unless the context makes it clear that something different is meant:

‘business day’ means any day except Saturday, Sunday, Christmas Day, Boxing Day, Good Friday, Easter Monday or a bank holiday;

‘court’ means a tribunal with jurisdiction over criminal cases. It includes a judge, recorder, District Judge (Magistrates’ Court), lay justice and, when exercising their judicial powers, the Registrar of Criminal Appeals, a justices’ clerk or assistant clerk;

‘court officer’ means the appropriate member of the staff of a court;

‘justices’ legal adviser’ means a justices’ clerk or an assistant to a justices’ clerk;

‘live link’ means an arrangement by which a person can see and hear, and be seen and heard by, the court when that person is not in court;

‘Practice Direction’ means the Lord Chief Justice’s Consolidated Criminal Practice Direction, as amended, and ‘Criminal Costs Practice Direction’ means the Lord Chief Justice’s Practice Direction (Costs in Criminal Proceedings), as amended;

‘public interest ruling’ means a ruling about whether it is in the public interest to disclose prosecution material under sections 3(6), 7A(8) or 8(5) of the Criminal Procedure and Investigations Act 1996(10); and

‘Registrar’ means the Registrar of Criminal Appeals or a court officer acting with the Registrar’s authority.

(2) Definitions of some other expressions are in the rules in which they apply.

*[Note. The glossary at the end of the Rules is a guide to the meaning of certain legal expressions used in them.]*

## References to Acts of Parliament and to Statutory Instruments

2.3. In these Rules, where a rule refers to an Act of Parliament or to subordinate legislation by title and year, subsequent references to that Act or to that legislation in the rule are shortened: so, for example, after a reference to the Criminal Procedure and Investigations Act 1996(11) that Act is called ‘the 1996 Act’; and after a reference to The Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 2011(12) those Regulations are called ‘the 2011 Regulations’.

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(6) 1989 c. 33; the Act was repealed by section 218(b) of, and Schedule 4 to, the Extradition Act 2003 (c. 41) with savings and territorial exceptions.

(7) 2003 c. 41.

(8) S.I. 2003/3103.

(9) S.I. 2003/3103; article 3 was substituted by article 2 of S.I. 2003/3312.

(10) 1996 c. 25; section 7A was inserted by section 37 of the Criminal Justice Act 2003 (c. 44).

(11) 1996 c. 25.

(12) S.I. 2011/209.

## Representatives

**2.4.—**(1) Under these Rules, unless the context makes it clear that something different is meant, anything that a party may or must do may be done—

- (a) by a legal representative on that party's behalf;
- (b) by a person with the corporation's written authority, where that corporation is a defendant;
- (c) with the help of a parent, guardian or other suitable supporting adult where that party is a defendant—
  - (i) who is under 18, or
  - (ii) whose understanding of what the case involves is limited.

(2) A member, officer or employee of a prosecutor may, on the prosecutor's behalf—

- (a) serve on the magistrates' court officer, or present to a magistrates' court, an information under section 1 of the Magistrates' Courts Act 1980(13); or
- (b) issue a written charge and requisition under section 29 of the Criminal Justice Act 2003(14).

*[Note. See also section 122 of the Magistrates' Courts Act 1980(15). A party's legal representative must be entitled to act as such under section 13 of the Legal Services Act 2007(16).*

*Section 33(6) of the Criminal Justice Act 1925(17), section 46 of the Magistrates' Courts Act 1980(18) and Schedule 3 to that Act(19) provide for the representation of a corporation.*

*Sections 3 and 6 of the Prosecution of Offences Act 1985(20) make provision about the institution of prosecutions.*

*Section 223 of the Local Government Act 1972(21) allows a member or officer of a local authority on that authority's behalf to prosecute or defend a case before a magistrates' court, and to appear in and to conduct any proceedings before a magistrates' court.*

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- (13) 1980 c. 43; section 1 was amended by section 68 of, and paragraph 6 of Schedule 8 to, the Criminal Justice Act 1991 (c. 53), sections 43 and 109 of, and Schedule 10 to, the Courts Act 2003 (c. 39), section 31 of, and paragraph 12 of Schedule 7 to, the Criminal Justice Act 2003 (c. 44) and section 153 of the Police Reform and Social Responsibility Act 2011. It is further amended by paragraphs 7 and 8 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.
- (14) 2003 c. 44; section 29 has been brought into force for certain purposes only (see S.I. 2007/1999, S.I. 2008/1424 and S.I. 2009/2879). It was amended by section 50 of, and paragraph 130 of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11) and section 59 of, and paragraph 196 of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15).
- (15) 1980 c. 43; section 122 was amended by section 125(3) of, and paragraph 25 of Schedule 18 to, the Courts and Legal Services Act 1990 (c. 41).
- (16) 2007 c. 29.
- (17) 1925 c. 86.
- (18) 1980 c. 43.
- (19) 1980 c. 43; Schedule 3 was amended by sections 25(2) and 101(2) of, and Schedule 13 to, the Criminal Justice Act 1991 (c. 53), section 47 of, and paragraph 13 of Schedule 1 to, the Criminal Procedure and Investigations Act 1996 (c. 25) (in relation to proceedings begun on or after 1 April 1997) and paragraph 51 of Schedule 3, and Part 4 of Schedule 37, to the Criminal Justice Act 2003 (c. 44).
- (20) 1985 c. 23; section 3 was amended by section 15 of, and paragraph 13 of Schedule 2 to, the Criminal Justice Act 1987 (c. 38), paragraph 39 of Schedule 7 to the Police Act 1996 (c. 16), section 134 of, and paragraph 48 of Schedule 9 to, the Police Act 1997 (c. 50), section 164 of the Immigration and Asylum Act 1999 (c. 33), paragraph 10 of Schedule 7 to the Police Reform Act 2002 (c. 30), sections 86 and 92 of, and Schedule 3 to, the Anti-social Behaviour Act 2003 (c. 38), section 190 of the Extradition Act 2003 (c. 41), section 7 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19), section 40 of, and paragraph 41 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4), sections 59, 140 and 174 of, and paragraph 47 of Schedule 4 and Part 2 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 (c. 15), sections 7, 8 and 52 of, and paragraph 15 of Schedule 3 to, the Violent Crime Reduction Act 2006 (c. 38), section 74 of, and paragraph 149 of Schedule 8 to, the Serious Crime Act 2007 (c. 27) and paragraph 171 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).
- (21) 1972 c. 70; section 223 was amended by paragraph 9 of Schedule 3 to the Solicitors Act 1974 (c. 47), section 134 of, and Schedule 10 to, the Police Act 1977 (c. 50), section 84 of, and paragraph 21 of Schedule 14 to, the Local Government Act 1985 (c. 51), section 237 of, and Schedule 13 to, the Education Reform Act 1988 (c. 40), section 120 of, and paragraph 17 of Schedule 22 and Schedule 24 to, the Environment Act 1995 (c. 25), paragraph 1 of Schedule 7 to the Police Act

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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*Part 7 contains rules about starting a prosecution.]*

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1996 (c. 16), paragraphs 1 and 13 of Schedule 13 to the Local Government and Public Involvement in Health Act 2007 (c. 28), section 208 of, and paragraph 28 of Schedule 21 to, the Legal Services Act 2007 (c. 29), paragraphs 10 and 24 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), paragraphs 100 and 109 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) and article 2 of, and paragraphs 1 and 2 of the Schedule to, S.I. 2001/3719.