

**Crown Court Rules 1982**  
**SI 1982 No 1109 (as amended)**

*Note. This text contains rules currently in force that apply to civil proceedings in the Crown Court. Rules that apply only to criminal cases have been superseded by the Criminal Procedure Rules and are not included in this text.*

*This text is up to date to January 2020.*

***Part I Introduction***

**1 Citation, commencement, revocations and transitionals**

- (1) These Rules may be cited as the Crown Court Rules 1982 and shall come into operation on 1st October 1982.
- (2) Subject to paragraph (3), the instruments specified in Schedule 1 are hereby revoked.
- (3) The transitional provisions in Schedule 2 shall have effect.

**2 Interpretation**

- (1) In these Rules, unless the context otherwise requires, any reference to a judge is a reference to a judge of the High Court or a Circuit judge or a Recorder; “justice” means a justice of the peace; and “Taxing Master” means a Master of the Supreme Court (Taxing Office).
- (2) In these Rules any reference to a Rule or Schedule shall be construed as a reference to a Rule contained in these Rules or, as the case may be, to a Schedule thereto; and any reference in a Rule to a paragraph shall be construed as a reference to a paragraph of that Rule.

***Part II Justices as judges of the Crown Court***

**3 Number and qualification of justices**

- (1) Subject to the provisions of Rule 4 and to any directions under section 74(4) of the Senior Courts Act 1981, on any proceedings to which a subsequent paragraph of this Rule applies, the number of justices sitting to hear the proceedings and the qualification of those justices shall be as specified in that paragraph.
- (2) On the hearing of an appeal against a decision of licensing justices under the Licensing Act 1964, the Crown Court shall consist of a judge sitting with four justices, each of whom is a member of a licensing committee appointed under Schedule 1 to that Act and two (but not more than two) of whom are justices for the local justice area in which the premises to which the appeal relates are situated.
- (3) On the hearing of an appeal against a decision of any authority under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968, the Crown Court shall consist of a judge sitting with four justices, two (but not more than two) of whom are justices for the local justice area in which the premises to which the appeal relates are situated.
- (4) On the hearing of an appeal from a youth court . . . , the Crown Court shall consist of a judge sitting with two justices each of whom is a member of a youth court panel and who are chosen so that the Court shall include a man and a woman.
- (5) On the hearing of an appeal from a magistrates' court under section 8 of the Affiliation Proceedings Act 1957, the Crown Court shall consist of a judge sitting with two justices each of whom is a member of a domestic court panel and who are chosen so that the Court shall include a man and a woman.

*January 2020*

#### **4 Dispensation for special circumstances**

(1) The Crown Court may enter on any appeal . . . notwithstanding that the Court is not constituted as required by section 74(1) of the Senior Courts Act 1981 or Rule 3 if it appears to the judge that the Court could not be constituted without unreasonable delay and the Court includes—

- (a) in a case to which paragraph (2) of that Rule applies, at least two justices each of whom is a member of a committee specified in that paragraph, provided that the Court includes a justice for the local justice area so specified and a justice for some other area;
- (b) in a case to which paragraph (3) of that Rule applies, at least two justices including a justice for the local justice area so specified and a justice for some other area;
- (c) in a case to which paragraph (4) of that Rule applies, one justice who is a member of a youth court panel;
- (d) in a case to which paragraph (5) of that Rule applies, one justice who is a member of a domestic court panel;
- (e) in any other case, one justice:

Provided that the judge may sit without one or both of the justices required by sub-paragraphs (a) and (b) above if the parties appearing at the hearing of the appeal agree.

(2) . . .

(3) The Crown Court may at any stage continue with any proceedings with a Court from which any one or more of the justices initially comprising the Court has withdrawn, or is absent for any reason.

#### **5 Disqualifications**

A justice of the peace shall not sit in the Crown Court on the hearing of an appeal in a matter on which he adjudicated.

### *Part IIA Case management*

#### **5A Case management**

(1) The court must actively manage the case. That includes—

- (a) the early identification of the real issues;
- (b) the early identification of the needs of witnesses;
- (c) achieving certainty as to what must be done, by whom and when, in particular by the early setting of a timetable for the progress of the case;
- (d) monitoring the progress of the case and compliance with directions;
- (e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;
- (f) discouraging delay, dealing with as many aspects of the case as possible on the same occasion and avoiding unnecessary hearings;
- (g) encouraging the participants to co-operate in the progression of the case; and
- (h) making use of technology.

(2) The court must actively manage the case by giving any direction appropriate to the needs of that case as early as possible.

(3) Each party must—

- (a) actively assist the court in managing the case without, or if necessary with, a direction; and

- (b) apply for a direction if needed to assist with the management of the case.
- (4) At the beginning of the case each party must, unless the court otherwise directs-
  - (a) nominate an individual responsible for progressing that case; and
  - (b) tell other parties and the court who he is and how to contact him.
- (5) In fulfilling its duty under paragraphs (1) and (2), the court must where appropriate-
  - (a) nominate a court officer responsible for progressing the case; and
  - (b) make sure the parties know who he is and how to contact him.
- (6) In this rule a person nominated under paragraphs (4) and (5) is called a case progression officer. A case progression officer must-
  - (a) monitor compliance with directions;
  - (b) make sure that the court is kept informed of events that may affect the progress of that case;
  - (c) make sure that he can be contacted promptly about the case during ordinary business hours;
  - (d) act promptly and reasonably in response to communications about the case; and
  - (e) if he will be unavailable, appoint a substitute to fulfil his duties and inform the other case progression officers
- (7) In fulfilling its duty under paragraph (1) actively to manage the case the court may give any direction and take any step unless that direction or step would be inconsistent with legislation, including these Rules. In particular, the court may—
  - (a) nominate a judge to manage the case;
  - (b) give a direction on its own initiative or on application by a party;
  - (c) ask or allow a party to propose a direction;
  - (d) for the purpose of giving directions, receive applications and representations by letter, by telephone or by any other means of electronic communication, and conduct a hearing by such means;
  - (e) give a direction without a hearing;
  - (f) fix, postpone, bring forward, extend or cancel a hearing;
  - (g) shorten or extend (even after it has expired) a time limit fixed by a direction;
  - (h) require that issues in the case should be determined separately, and decide in what order they will be determined; and
  - (i) specify the consequences of failing to comply with a direction.
- (8) Any power to give a direction under this rule includes a power to vary or revoke that direction.
- (9) A party may apply to vary a direction if—
  - (a) the court gave it without a hearing;
  - (b) the court gave it at a hearing in that party's absence; or
  - (c) circumstances have changed.
- (10) A party who applies to vary a direction must—
  - (a) apply as soon as practicable after becoming aware of the grounds for doing so; and
  - (b) give as much notice to the other parties as the nature and urgency of the application permits.

- (11) The parties may agree to vary a time limit fixed by a direction, but only if—
- (a) the variation will not—
    - (i) affect the date of any hearing that has been fixed, or
    - (ii) significantly affect the progress of the case in any other way;
  - (b) the court has not prohibited variation by agreement; and
  - (c) the court's case progression officer is promptly informed.
- (12) The court's case progression officer must refer any agreement by the parties to vary a time limit under paragraph (11) to the court if he doubts the condition in paragraph (11) is satisfied.
- (13) At every hearing, if a case cannot be concluded there and then the court must give directions so that it can be concluded at the next hearing or as soon as possible after that.
- (14) At every hearing the court must, where relevant—
- (a) if a party is absent, decide whether to proceed nonetheless;
  - (b) set, follow or revise a timetable for the progress of the case, which may include a timetable for any hearing;
  - (c) in giving directions, ensure continuity in relation to the court and to the parties' representatives where that is appropriate and practicable; and
  - (d) where a direction has not been complied with, find out why, identify who was responsible, and take appropriate action.
- (15) In fulfilling his duty under paragraph (3) actively to assist the court in managing the case, each party must—
- (a) comply with directions given by the court;
  - (b) take every reasonable step to make sure that that party's witnesses will attend when they are needed;
  - (c) make appropriate arrangements to present any written or other material; and
  - (d) promptly inform the court and the other parties of anything that may—
    - (i) affect the date or duration of any hearing, or
    - (ii) significantly affect the progress of the case in any other way.
- (16) The court may require a party to give a certificate of readiness.
- (17) In order to manage the case—
- (a) the court must establish, with the active assistance of the parties, what disputed issues they intend to explore; and
  - (b) the court may require a party to identify—
    - (i) which witnesses will give oral evidence,
    - (ii) the order in which those witnesses will give their evidence;
    - (iii) whether that party requires an order compelling the attendance of a witness;
    - (iv) what arrangements are desirable to facilitate the giving of evidence by a witness;
    - (v) what arrangements are desirable to facilitate the participation of any other person;
    - (vi) what written evidence that party intends to introduce;

- (vii) what other material, if any, that party intends to make available to the court in the presentation of the case;
  - (viii) whether that party intends to raise any point of law that could affect the conduct of the case; and
  - (ix) what timetable that party proposes and expects to follow.
- (18) The court must make available to the parties a record of directions given.

### *Part III Appeals to the Crown Court*

#### **6 Application of Part III**

- (1) Subject to the following provisions of this Rule, this Part of these Rules shall apply to every appeal which by or under any enactment lies to the Crown Court from any court, tribunal or person except any appeal against a decision of a magistrates' court under section 22(7) or (8) of the Prosecution of Offences Act 1985 or under section 1 of the Bail (Amendment) Act 1993.
- (2) Without prejudice to Rule 7(5), this Part of these Rules shall have effect subject to the provisions of the enactments specified in Part I of Schedule 3 (being enactments which make special procedural provisions in respect of certain appeals), and those enactments shall have effect subject to the amendments set out in Part II of that Schedule (being amendments reproducing amendments made by Rule 6(2) of, and Part II of Schedule 1 to, the Crown Court Rules 1971).

#### **7 Notice of appeal**

- (1) An appeal shall be commenced by the appellant's giving notice of appeal in accordance with the following provisions of this Rule.
- (2) The notice required by the preceding paragraph shall be in writing and shall be given—
- (a) in a case where the appeal is against a decision of a magistrates' court, to the designated officer for the magistrates' court;
  - (b) in the case of an appeal under section 67B or 81B of the Licensing Act 1964 against a decision of licensing justices, to the designated officer for the justices;
  - (c) in any other case, to the appropriate officer of the Crown Court;
  - (d) in the case of an appeal against a decision of a youth court in proceedings to which Part III of the Magistrates' Courts (Children and Young Persons) Rules 1988 applies (care proceedings and proceedings relating to care or supervision orders), to any person (other than the appellant) to whom notice of the proceedings in the youth court was given in pursuance of Rule 14(3) of the said Rules and to any other person who made representations to the youth court in those proceedings in pursuance of Rule 19(1) of those Rules; and
  - (e) in any case, to any other party to the appeal.
- (3) Notice of appeal shall be given not later than 21 days after the day on which the decision appealed against is given and, for this purpose, where the court has adjourned the trial of an information after conviction, that day shall be the day on which the court sentences or otherwise deals with the offender:

Provided that, where a court exercises its power to defer sentence under section 1(1) of the Powers of Criminal Courts Act 1973, that day shall, for the purposes of an appeal against conviction, be the day on which the court exercises that power.

- (4) A notice of appeal shall state—
- (a) in the case of an appeal arising out of a conviction by a magistrates' court, whether the appeal is against conviction or sentence or both; and
  - (b) in the case of an appeal under an enactment listed in Part III of Schedule 3, the grounds of appeal.

(5) The time for giving notice of appeal (whether prescribed under paragraph (3), or under an enactment listed in Part I of Schedule 3) may be extended, either before or after it expires, by the Crown Court, on an application made in accordance with paragraph (6).

(6) An application for an extension of time shall be made in writing, specifying the grounds of the application and sent to the appropriate officer of the Crown Court.

(7) Where the Crown Court extends the time for giving notice of appeal, the appropriate officer of the Crown Court shall give notice of the extension to—

- (a) the appellant;
- (b) in the case of an appeal from a decision of a magistrates' court, to the designated officer for that court;
- (c) in the case of an appeal under section 67B or 81B of the Licensing Act 1964 from a decision of licensing justices, to the designated officer for the justices,

and the appellant shall give notice of the extension to any other party to the appeal and, in the case of an appeal against a decision of a youth court in proceedings to which Part III of the Magistrates' Courts (Children and Young Persons) Rules 1988 applies, to any other person required to be given notice of the appeal in pursuance of paragraph 2(d) above.

## **8 Entry of appeal and notice of hearing**

On receiving notice of appeal, the appropriate officer of the Crown Court shall enter the appeal and give notice of the time and place of the hearing to—

- (a) the appellant;
- (b) any other party to the appeal;
- (c) in the case of an appeal from a decision of a magistrates' court, to the designated officer for that court;
- (d) in the case of an appeal under section 67B or 81B of the Licensing Act 1964 from a decision of licensing justices, to the designated officer for the justices;
- (e) in the case of an appeal under paragraph 7 of Schedule 1 to the Anti-terrorism Crime and Security Act 2001 (“ATCSA”),
  - (i) to any person to whom notice of the order for continued detention of cash was given in accordance with paragraph 3(4) of Schedule 1 to ATCSA and who has not been joined as a party to the case, and,
  - (ii) to any person who has made an application under paragraph 9(1) of Schedule 1 to ATCSA and who has not been joined as a party to the case,
- (ea) in the case of an appeal under paragraph 10K of Schedule 1 to ATCSA—
  - (i) to any person to whom notice of the order for further detention of property was given in accordance with paragraph 10D(11) of Schedule 1 to ATCSA and who has not been joined as a party to the case, and
  - (ii) to any person who has made an application under paragraph 10O(1) of Schedule 1 to ATCSA and who has not been joined as a party to the case.
- (eb) in the case of an appeal under paragraph 10Z4 of Schedule 1 to ATCSA—
  - (i) to any person to whom notice of the account freezing order was given in accordance with paragraph 10S(5) of Schedule 1 to ATCSA and who has not been joined as a party to the case, and
  - (ii) to any person who has made an application under paragraph 10T(1)(b) of Schedule 1 to ATCSA and who has not been joined as a party to the case.
- (f) in the case of an appeal under section 299 of the Proceeds of Crime Act 2002 (“POCA”),

- (i) to any person to whom notice of the order for continued detention of the cash was given in accordance with section 295(8) of POCA and who has not been joined as a party to the case, and
  - (ii) to any person who has made an application under section 301 of POCA and who has not been joined as a party to the case,
- (fa) in the case of an appeal under section 303S of POCA—
- (i) to any person to whom notice of the order for further detention of property was given in accordance with section 303L(14) of POCA and who has not been joined as a party to the case, and
  - (ii) to any person who has made an application under section 303V of POCA and who has not been joined as a party to the case,
- (fb) in the case of an appeal under section 303Z16 of POCA—
- (i) to any person to whom notice of the account freezing order was given in accordance with section 303Z3(5) of POCA and who has not been joined as a party to the case, and
  - (ii) to any person who has made an application under section 303Z4(1)(b) of POCA and who has not been joined as a party to the case,

and, in the case of an appeal against a decision of a youth court in proceedings to which Part III of the Magistrates' Courts (Children and Young Persons) Rules 1988 applies, the appellant shall give notice of the time and place of the hearing to any other person to whom notice of the appeal has been given in pursuance of Rule 7(2)(d).

## **9 Appointment of guardian ad litem**

- (1) Where the Crown Court has made an order under section 32A(1) of the Children and Young Persons Act 1969 on an appeal under section 2(12), 16(8) or 21(4) of that Act, the Court shall appoint a guardian ad litem of the relevant child or young person for the purposes of the appeal if it appears to the Court that it is in his interests to do so.
- (2) Where a youth court has made an order under section 32A(1) or (2) of the said Act of 1969 and, by virtue of section 32A(3) of that Act, that order has effect for the purposes of an appeal to the Crown Court, the Crown Court shall appoint a guardian ad litem of the relevant child or young person for the purposes of the appeal if it appears to the Court that it is in his interests to do so.
- (3) A guardian ad litem shall be selected from a panel established in accordance with the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983 except that the person appointed shall not—
  - (a) be a member, officer or servant of a local authority or authorised person (within the meaning of section 1 of the Children and Young Persons Act 1969) which is a party to the proceedings; or
  - (b) be, or at any time have been, a member, officer or servant of a local authority or a voluntary organisation (within the meaning of section 87(1) of the Child Care Act 1980) who has been directly concerned in that capacity in arrangements relating to the care, accommodation or welfare of the relevant child or young person; or
  - (c) be a serving probation officer (except that a probation officer who has not in that capacity been concerned with the relevant child or young person or his family (otherwise than for the purposes of the proceedings to which the appeal relates) and who is employed part-time may, when not engaged in his duties as a probation officer, act as a guardian ad litem);

and where the appeal arises out of proceedings in which a youth court has appointed a person to act as guardian ad litem, that person shall be appointed for the purposes of the appeal unless the Crown Court is satisfied that in all the circumstances it would be inappropriate to appoint him.

(4) Where it appears to the Court desirable that some other person should act as guardian ad litem in substitution for the person appointed earlier, the Court shall revoke the earlier appointment and make a new appointment.

(5) The duties of a guardian ad litem appointed under this Rule are to safeguard the interests of the child or young person before the Crown Court and to give the Court such assistance as it may require.

(6) In this Rule and in Rules 10, 10A and 10B “child” means a person under the age of 14 and “young person” means a person who has attained that age and is under the age of 17.

### **10 Provisions supplementary to Rule 9**

(1) Without prejudice to section 32A(4A) of the Children and Young Persons Act 1969, in the case of an appeal to the Crown Court under section 2(12), 16(8) or 21(4) of that Act, the parent or guardian of the relevant child or young person shall be entitled—

(a) to meet any allegations made against him in the course of the proceedings on the appeal by—

- (i) cross-examining a witness for the appellant or respondent, and
- (ii) giving or calling evidence; and

(b) to make representations to the court.

(2) Any evidence or representations given or made under this Rule shall be given or made at the conclusion of the evidence for the appellant and the respondent.

### **10A Applications by grandparents to be parties to appeals**

(1) Where in any such proceedings as are mentioned in section 32A(1)(d), (e) or (f) of the Children and Young Persons Act 1969 a grandparent of the relevant child or young person makes an application under section 32C of that Act, the circumstances in which the court may give leave for that grandparent to be made a party to the appeal are those in which either—

- (a) that grandparent was a party to the proceedings in the youth court to which the appeal relates and the court is satisfied that making him a party to the appeal is likely to be in the interests of the welfare of the relevant child or young person, or
- (b) that grandparent was not a party to those proceedings but the court is satisfied that both of the criteria specified in the following paragraph are met.

(2) The criteria mentioned in sub-paragraph (b) of the preceding paragraph are—

- (a) that the grandparent had, before the date on which the proceedings to which the appeal relates were begun in the youth court, a substantial involvement in the child or young person's upbringing at any time during his lifetime; and
- (b) that making the grandparent a party to the proceedings is likely to be in the interests of the welfare of the relevant child or young person.

### **10B Written reports**

(1) In the case of an appeal against a decision of a youth court in proceedings to which Part III of the Magistrates' Courts (Children and Young Persons) Rules 1988 applies, any written report of a guardian ad litem, probation officer, local authority, . . ., educational establishment or registered medical practitioner shall be given to the appropriate officer of the Crown Court before the date fixed for the hearing of the appeal, unless it is not practicable to do so.

(2) In the case of such an appeal, the appropriate officer of the Crown Court shall make available copies of any such report, so far as practicable before the hearing of the appeal, to:

- (a) the relevant child or young person, except where the court otherwise directs on the ground that it appears to it impracticable to do so having regard to his age and understanding or undesirable to do so having regard to serious harm which might thereby be suffered by him;
  - (b) the legal representative, if any, of the relevant child or young person;
  - (c) the guardian ad litem of the relevant child or young person;
  - (d) the parent or guardian of the relevant child or young person (whether or not he is a party to the appeal); and
  - (e) any other person who is a party to the appeal.
- (3) In the case of such an appeal, copies of any such report may, if the court considers it desirable to do so, be shown to any other person who is not a party to the appeal but was required to be given notice of the appeal under Rule 7(2)(d).

### **11 Abandonment of appeal**

- (1) Without prejudice to the power of the Crown Court to give leave for an appeal to be abandoned, an appellant may abandon an appeal by giving notice in writing, in accordance with the following provisions of this Rule, not later than the third day before the day fixed for hearing the appeal.
- (2) The notice required by the preceding paragraph shall be given—
- (a) in a case where the appeal is against a decision of a magistrates' court, to the designated officer for the magistrates' court;
  - (b) in the case of an appeal under section 21 of the Licensing Act 1964, or in the case of an appeal under section 67B or 81B of that Act against a decision of licensing justices, to the designated officer for the licensing justices;
  - (c) in any other case, to the appropriate officer of the Crown Court; and
  - (d) in any case, to any other party to the appeal and to any other person to whom notice of appeal was required to be given by Rule 7(2)(d).

and, in the case of an appeal mentioned in sub-paragraph (a) or (b), the appellant shall send a copy of the notice to the appropriate officer of the Crown Court.

- (3) For the purposes of determining whether notice of abandonment was given in time there shall be disregarded any Saturday, Sunday and any day which is specified to be a bank holiday in England and Wales under section 1(1) of the Banking and Financial Dealings Act 1971.

### ***Part IIIA Appeals under the Bail (Amendment) Act 1993***

#### **11A**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

### ***Part IV Costs between parties in Crown Court***

#### **12 Jurisdiction to award costs**

- (1) Subject to the provisions of section 109(1) of the Magistrates' Courts Act 1980 (power of magistrates' courts to award costs on abandonment of appeals from magistrates' courts) and sections 22(4) and 81B(4) of the Licensing Act 1964 (application of section 109(1) of the Act of 1980 to appeals under sections 21 and 81B of the Act of 1964), no party shall be entitled to recover any costs of any proceedings in the Crown Court from any other party to the proceedings except under an order of the Court.
- (2) Subject to section 4 of the Costs in Criminal Cases Act 1973 and to the following provisions of this Rule, the Crown Court may make such order for costs as it thinks just.
- (3) In the case of an appeal under section 21 or 67B of the Licensing Act 1964—

- (a) no order for costs shall be made on the abandonment of an appeal by giving notice under Rule 11;
  - (b) no order for costs shall be made against a person who appeared before the licensing justices and opposed the grant of the justices' licence unless he appeared at the hearing of the appeal and opposed the appeal;
  - (c) if the appeal, not being an appeal against the grant of a justices' licence, is dismissed, the Court shall order the appellant to pay to the justices against whose decision he has appealed, or such person as those justices may appoint, such sum by way of costs as is, in the opinion of the Court, sufficient to indemnify the justices from all costs and charges to which they have been put in consequence of his having given notice of appeal.
- (4) In the case of an appeal under section 81B of the Licensing Act 1964 against a decision of licensing justices, no order for costs shall be made on the abandonment of an appeal by giving notice under Rule 11.
- (5) No order for costs shall be made on the abandonment of an appeal from a magistrates' court by giving notice under Rule 11.
- (6) Without prejudice to the generality of paragraph (2), the Crown Court may make an order for costs on dismissing an appeal where the appellant has failed to proceed with the appeal or on the abandonment of an appeal not being an appeal to which paragraph (3), (4) or (5) applies.

### **13 Costs in proceedings from which appeal is brought**

Where an appeal is brought to the Crown Court from the decision of a magistrates' court or a tribunal and the appeal is successful, the Crown Court may make any order as to the costs of the proceedings in the magistrates' court or tribunal which that court or tribunal had power to make.

### **14 Taxation**

- (1) Where under these Rules the Crown Court has made an order for the costs of any proceedings to be paid by a party and the Court has not fixed a sum, the amount of the costs to be paid shall be ascertained as soon as practicable by the appropriate officer of the Crown Court (hereinafter referred to as the taxing authority).
- (2) On a taxation under the preceding paragraph or under section 4(2) of the Costs in Criminal Cases Act 1973, there shall be allowed the costs reasonably incurred in or about the prosecution and conviction or the defence, as the case may be.

### **15 Review by taxing authority**

- (1) Any party dissatisfied with the taxation of any costs by the taxing authority under section 4(2) of the Costs in Criminal Cases Act 1973 or Rule 14 may apply to the taxing authority to review his decision.
- (2) The application shall be made by giving notice to the taxing authority and to any other party to the taxation within 14 days of the taxation, specifying the items in respect of which the application is made and the grounds of objection.
- (3) Any party to whom notice is given under the preceding paragraph may within 14 days of the service of the notice deliver to the taxing authority answers in writing to the objections specified in that notice to the taxing authority and, if he does, shall send copies to the applicant for the review and to any other party to the taxation.
- (4) The taxing authority shall reconsider his taxation in the light of the objections and answers, if any, of the parties and any oral representations made by or on their behalf and shall notify them of the result of his review.

### **16 Further review by Taxing Master**

- (1) Any party dissatisfied with the result of a review of taxation under Rule 15 may, within 14 days of receiving notification thereof, request the taxing authority to supply him with reasons in writing for his decision

and may within 14 days of the receipt of such reasons apply to the Chief Taxing Master for a further review and shall, in that case, give notice of the application to the taxing authority and to any other party to the taxation, to whom he shall also give a copy of the reasons given by the taxing authority.

(2) Such application shall state whether the application wishes to appear or be represented, or whether he will accept a decision given in his absence and shall be accompanied by a copy of the notice given under Rule 15, of any answer which may have been given under paragraph (3) thereof and of the reasons given by the taxing authority for his decision, together with the bill of costs and full supporting documents.

(3) A party to the taxation who receives notice of an application under this Rule shall inform the Chief Taxing Master whether he wishes to appear or be represented at a further review, or whether he will accept a decision given in his absence.

(4) The further review shall be conducted by a Taxing Master and if the applicant or any other party to the taxation has given notice of his intention to appear or be represented, the Taxing Master shall inform the parties (or their agents) of the date on which the further review will take place.

(5) Before reaching his decision the Taxing Master may consult the judge who made the order for costs and the taxing authority and, unless the Taxing Master otherwise directs, no further evidence shall be received on the hearing of the further review; and no ground of objection shall be valid which was not raised on the review under Rule 15.

(6) In making his review, the Taxing Master may alter the assessment of the taxing authority in respect of any sum allowed, whether by increase or decrease.

(7) The Taxing Master shall communicate the result of the further review to the parties and to the taxing authority.

### **17 Appeal to High Court judge**

(1) Any party dissatisfied with the result of a further review under Rule 16 may, within 14 days of receiving notification thereof, appeal by originating summons to a judge of the Queen's Bench Division of the High Court if, and only if, the Taxing Master certifies that the question to be decided involves a point of principle of general importance.

(2) On the hearing of the appeal the judge may reverse, affirm or amend the decision appealed against or make such other order as he thinks appropriate.

### **18 Supplementary provisions**

(1) On a further review or an appeal to a judge of the High Court the Taxing Master or judge may make such order as he thinks just in respect of the costs of the hearing of the further review or the appeal, as the case may be.

(2) The time prescribed by Rule 15, 16 or 17 may be extended by the taxing authority, Taxing Master or judge of the High Court on such terms as he thinks just.

## ***Part V Miscellaneous***

### **19 Applications to Crown Court relating to bail**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

### **20 Supplementary provisions about bail**

(1) Every person who makes an application to the Crown Court relating to bail shall inform the Court of any earlier application to the High Court or the Crown Court relating to bail in the course of the same proceedings.

(2) *Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

(3) *Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

*January 2020*

(4) On hearing an application for bail (other than bail in criminal proceedings) the Crown Court may order that the applicant shall be released from custody on entering into a recognizance, with or without sureties, or giving other security before—

(a) an officer of the Crown Court; or

(b) any other person authorised by virtue of section 119(1) of the Magistrates' Courts Act 1980 to take a recognizance where a magistrates' court having power to take the recognizance has, instead of taking it, fixed the amount in which the principal and his sureties, if any, are to be bound.

(5) *Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

(6) *Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

(7) *Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

(8) In this Rule “bail in criminal proceedings” has the same meaning as in the Bail Act 1976.

## **21 Estreat of recognizances**

(1) Where a recognizance has been entered into in respect of a person granted bail to appear before the Crown Court and it appears to the Court that a default has been made in performing the conditions of the recognizance, other than by failing to appear before the Court in accordance with any such condition, the Court may order the recognizance to be estreated.

(2) Where the Crown Court is to consider making an order under paragraph (1) for a recognizance to be estreated, the appropriate officer of the Court shall give notice to that effect to the person by whom the recognizance was entered into indicating the time and place at which the matter will be considered; and no such order shall be made before the expiry of 7 days after the notice required by this paragraph has been given.

### **21A**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

### **22**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **23 Application for witness summons**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

### **23ZA Application that summons be of no further effect**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

### **23ZB Application to make summons issued on application ineffective**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

### **23ZC Application to make summons issued of court's own motion ineffective**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

### **23A**

Revoked by SI 2002/1688, r 11(a)

### **23B Evidence through television link where witness is outside United Kingdom**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

### **23C**

Revoked by SI 2002/1688, r 11(a)

**23D Procedure for applications in proceedings for sexual offences**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**23E Procedure for the admission of evidence of bad character**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**24 Time limits for beginning of trials**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**24ZA**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**24A Hearings in camera**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**24B Restrictions on cross-examination of witness**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**24C Appointment by the court**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**24D Appointment arranged by the accused**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**24E Prohibition on cross-examination of particular witness**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**25 Appeal against refusal to excuse from jury service or to defer attendance**

- (1) A person summoned under the Juries Act 1974 for jury service may appeal in accordance with the provisions of this Rule against any refusal of the appropriate officer to excuse him under section 9(2), or to defer his attendance under section 9A(1), of that Act.
- (2) Subject to paragraph (3), an appeal under this Rule shall be heard by the Crown Court.
- (3) Where the appellant is summoned under the Juries Act 1974 to attend before the High Court in Greater London the appeal shall be heard by a judge of the High Court and where the appellant is summoned under that Act to attend before the High Court outside Greater London or before a county court and the appeal has not been decided by the Crown Court before the day on which the appellant is required by the summons to attend, the appeal shall be heard by the court before which he is summoned to attend.
- (4) An appeal under this Rule shall be commenced by the appellant's giving notice of appeal to the appropriate officer of the Crown Court or the High Court in Greater London, as the case may be, and such notice shall be in writing and shall specify the matters upon which the appellant relies as providing good reason why he should be excused from attending in pursuance of the summons or why his attendance should be deferred.
- (5) The Court shall not dismiss an appeal under this Rule unless the appellant has been given an opportunity of making representations.
- (6) Where an appeal under this Rule is decided in the absence of the appellant, the appropriate officer of the Crown Court or the High Court in Greater London, as the case may be, shall notify him of the decision without delay.

**25A Statements relating to drug trafficking**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**25B Investigation into drug trafficking or into the proceeds of criminal conduct**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**25C Account monitoring orders under the Terrorism Act 2000 and the Proceeds of Crime Act 2002**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**25D Customer information orders under the Proceeds of Crime Act 2002**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**25E Proof of identity and accreditation**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**26 Application to Crown Court to state case**

- (1) An application under section 28 of the Senior Courts Act 1981 to the Crown Court to state a case for the opinion of the High Court shall be made in writing to the appropriate officer of the Crown Court within 21 days after the date of the decision in respect of which the application is made.
- (2) The application shall state the ground on which the decision of the Crown Court is questioned.
- (3) After making the application, the applicant shall forthwith send a copy of it to the parties to the proceedings in the Crown Court.
- (4) On receipt of the application, the appropriate officer of the Crown Court shall forthwith send it to the judge who presided at the proceedings in which the decision was made.
- (5) On receipt of the application, the judge shall inform the appropriate officer of the Crown Court as to whether or not he has decided to state a case and that officer shall give notice in writing to the applicant of the judge's decision.
- (6) If the judge considers that the application is frivolous, he may refuse to state a case and shall in that case, if the applicant so requires, cause a certificate stating the reasons for the refusal to be given to him.
- (7) If the judge decides to state a case, the procedure to be followed shall, unless the judge in a particular case otherwise directs, be the procedure set out in paragraphs (8) to (12).
- (8) The applicant shall, within 21 days of receiving the notice referred to in paragraph (5), draft a case and send a copy of it to the appropriate officer of the Crown Court and to the parties to the proceedings in the Crown Court.
- (9) Each party to the proceedings in the Crown Court shall, within 21 days of receiving a copy of the draft case under paragraph (8), either—
  - (a) give notice in writing to the applicant and the appropriate officer of the Crown Court that he does not intend to take part in the proceedings before the High Court; or
  - (b) indicate in writing on the copy of the draft case that he agrees with it and send the copy to the appropriate officer of the Crown Court; or
  - (c) draft an alternative case and send it, together with the copy of the applicant's case, to the appropriate officer of the Crown Court.
- (10) The judge shall consider the applicant's draft case and any alternative draft case sent to the appropriate officer of the Crown Court under paragraph (9)(c).
- (11) If the Crown Court so orders, the applicant shall, before the case is stated and delivered to him, enter before an officer of the Crown Court into a recognizance, with or without sureties and in such sum as the Crown Court considers proper, having regard to the means of the applicant, conditioned to prosecute the appeal without delay.

- (12) The judge shall state and sign a case within 14 days after either—
- (a) the receipt of all the documents required to be sent to the appropriate officer of the Crown Court under paragraph (9); or
  - (b) the expiration of the period of 21 days referred to in that paragraph,
- whichever is the sooner.
- (13) A case stated by the Crown Court shall state the facts found by the Crown Court, the submissions of the parties (including any authorities relied on by the parties during the course of those submissions), the decision of the Crown Court in respect of which the application is made and the question on which the opinion of the High Court is sought.
- (14) Any time limit referred to in this Rule may be extended either before or after it expires by the Crown Court.
- (15) If the judge decides not to state a case but the stating of a case is subsequently required by the High Court by order of mandamus, paragraphs (7) to (14) shall apply to the stating of the case save that—
- (a) in paragraph (7) the words “If the judge decides to state a case” shall be omitted; and
  - (b) in paragraph (8) for the words “receiving the notice referred to in paragraph (5)” there shall be substituted the words “the day on which the order of mandamus was made”.

## **27 Business in chambers**

- (1) The jurisdiction of the Crown Court specified in the following paragraph may be exercised by a judge of the Crown Court sitting in chambers.
- (2) The said jurisdiction is—
- (a) hearing applications for bail;
  - (b) issuing a summons or warrant;
  - (c) hearing any application relating to procedural matters preliminary or incidental to proceedings in the Crown Court, including applications relating to legal aid . . .;
  - (d) jurisdiction under rule 7(7), 9, 23, 25, 26 or 39;
  - (dd) *Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules;*
  - (e) *Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules;*
  - (f) *Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules;*
  - (g) *Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules;*
  - (h) *Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules.*

## **27A Appeals relating to time limits**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **28 Service of documents**

Any notice or other document which is required by these Rules to be given to any person may be served personally on that person or sent to him by post at his usual or last known residence or place of business in England or Wales or, in the case of a company, at the company's registered office in England or Wales.

## **29 References to the European Court**

(1) In this Rule “order” means an order referring a question to the European Court for a preliminary ruling under Article 177 of the Treaty establishing the Economic Community, Article 150 of the Treaty establishing Euratom or Article 41 of the Treaty establishing the Coal and Steel Community.

(2) An order may be made by the Crown Court of its own motion or on application by a party to proceedings in the Crown Court.

## **30 Notice required to accompany process served outside the United Kingdom and translations**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **31 Proof of service outside the United Kingdom**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **32 Supply of copy of notice of request for assistance abroad**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **32A Persons entitled to appear and take part in proceedings before a nominated court and exclusion of public**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **32B Record of proceedings to receive evidence before a nominated court**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **32C Interpreter for the purpose of proceedings involving a television or telephone link**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **32D Record of television link before a nominated court**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **32E Record of telephone link before a nominated court**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **32F Restriction on access to records kept under rules 32B, 32D and 32E**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **33 Application for increase in term of imprisonment in default of payment of a confiscation order**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **34 Postponed determination**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **35 Confiscation—revised assessments**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **36 Drug trafficking—compensation**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **37 Curfew order with electronic monitoring requirement**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

## **37A Community rehabilitation order with curfew**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**38 Orders made under section 1C of the Crime and Disorder Act**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**39 Application relating to property seized in accordance with the provisions of Part 2 of the Criminal Justice and Police Act 2001**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

**Schedule 1—Revocations**

<b>Rules</b>	<b>References</b>
The Crown Court Rules 1971	SI 1971/1292
The Crown Court (References to the European Court) Rules 1972	SI 1972/1787
The Crown Court (Amendment) Rules 1976	SI 1976/1532
The Crown Court (Amendment No 2) Rules 1976	SI 1976/2164
The Crown Court (Amendment) Rules 1978	SI 1978/439

**Schedule 2—Transitional provisions**

1. In this Schedule “the relevant date” means the date on which these Rules come into operation.
2. Where a period of time specified in a Rule revoked by these Rules is current on the relevant date, these Rules shall have effect as if the corresponding provision thereof had come into operation when that period began to run.
3. Rules 3(5) and 4(1)(d) shall not apply where a hearing of an appeal from a magistrates' court under section 8 of the Affiliation Proceedings Act 1957 has commenced before the relevant date and Rule 4 of the Crown Court Rules 1971 shall continue to apply to that hearing.
4. The proviso to Rule 7(3) shall not apply where a court has exercised its power to defer sentence under section 1(1) of the Powers of Criminal Courts Act 1973 before the relevant date and, in such a case, Rule 7(3) of the Crown Court Rules 1971 shall continue to apply to the giving of a notice of appeal against conviction by an offender.
5. Rule 23 shall not apply where an application under section 2(2) of the Criminal Procedure (Attendance of Witnesses) Act 1965 is made before the relevant date.
6. Rule 25 shall not apply in the case of an appeal against a refusal to excuse a person from jury service in the High Court in Greater London under section 9(2) of the Juries Act 1974 where notice of the appeal is given before the relevant date and Rule 20 of the Crown Court Rules 1971 shall continue to apply to that appeal.
7. Rule 26 shall not apply where an application to the Crown Court to state a case for the opinion of the High Court under section 28 of the Senior Courts Act 1981 is made before the relevant date.

**Schedule 3—Enactments relating to Appeals to Crown Court**

**Part I Enactments making Special Provisions about Procedure on Appeals to Crown Court**

<b>Chapter</b>	<b>Act</b>	<b>Section or Schedule</b>
1957 c 56	The Housing Act 1957	Section 14(5).
1963 c 2	The Betting, Gaming and Lotteries Act 1963	Schedule 1, paragraphs 21, 28 Schedule 2, paragraph 6.

		Schedule 3, paragraph 13.
1963 c 33	The London Government Act 1963	Schedule 12, paragraph 19(4).
1964 c 26	The Licensing Act 1964	Sections 22, 50, 67B, 81B, 146, 154.
1967 c 9	The General Rate Act 1967	Section 7(1).
1968 c 27	The Firearms Act 1968	Section 44.
		Schedule 5 Part II.
1968 c 54	The Theatres Act 1968	Section 14(4).
1968 c 65	The Gaming Act 1968	Schedule 2, paragraphs 29, 31, 45, 46, 50, 61.
		Schedule 3, paragraphs 12, 13, 15, 16.
		Schedule 7, paragraphs 11, 20.
		Schedule 9, paragraph 11.
1969 c 54	The Children and Young Persons Act 1969	Section 21(5).
1976 c 32	The Lotteries and Amusements Act 1976	Schedule 1, paragraph 5.
		Schedule 3, paragraph 8.
1976 c 70	The Land Drainage Act 1976	Section 77.

### **Part II Amendments to Enactments specified in Part I**

*Note. Part II made amendments to the Housing Act 1957, the Betting, Gaming and Lotteries Act 1963, the Licensing Act 1964, the General Rate Act 1967, the Gaming Act 1968 and the Children and Young Persons Act 1969.*

### **Part III Appeals in which the Notice of Appeal is to State the Grounds of Appeal**

<b>Chapter</b>	<b>Act</b>	<b>Section or Schedule</b>
1957 c 56	The Housing Act 1957	Section 14(5).
1963 c 2	The Betting, Gaming and Lotteries Act 1963	Schedule 1, paragraphs 21, 28.
		Schedule 2, paragraph 6.
		Schedule 3, paragraph 13.
1963 c 33	The London Government Act 1963	Schedule 12, paragraph 19(2).
1964 c 26	The Licensing Act 1964	Sections 22, 50, 67B, 81B, 146, 154.
1967 c 9	The General Rate Act 1967	Section 7(1).
1968 c 54	The Theatres Act 1968	Section 14(4).
1968 c 65	The Gaming Act 1968	Schedule 2, paragraphs 29, 31, 45, 46, 50, 61.

		Schedule 3, paragraphs 12, 13, 15, 16.
		Schedule 7, paragraphs 11, 20.
		Schedule 9, paragraph 11.
1976 c 32	The Lotteries and Amusements Act 1976	Schedule 1, paragraph 5.
		Schedule 3, paragraph 8.
1982 c 30	The Local Government (Miscellaneous Provisions) Act 1982	Section 5.
		Schedule 1, paragraph 17.
		Schedule 3, paragraph 27.
		Schedule 4, paragraph 6.
1982 c 33	The Cinematograph (Amendment) Act 1982	Section 4.
1998 c 37	The Crime and Disorder Act 1998	Section 4, as it applies to an appeal against (i) an anti-social behaviour order under section 1 of the Crime and Disorder Act 1998; or (ii) an order under section 1D of that Act made on an application for an anti-social behaviour order or for an order under section 1B of that Act.
2001 c 24	The Anti-terrorism, Crime and Security Act 2001	Schedule 1, paragraphs 7, 10K, 10Z4.
2002 c 29	The Proceeds of Crime Act 2002	Sections 299, 303S, 303Z16.
2003 c 44	The Criminal Justice Act 2003	Section 16.

#### **Schedules 4 – 14**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*