

AMENDMENTS TO THE CRIMINAL PRACTICE DIRECTIONS JULY 2017

SUMMARY OF KEY CHANGES

This is the fifth amendment to the Criminal Practice Directions 2015¹. It is handed down by the Lord Chief Justice on 26th July 2017 and comes into force on 2nd October 2017.

This update provides amendments to existing Criminal Practice Directions and supplements the Criminal Procedure (Amendment No. 2) Rules 2017, S.I. 2017/755 that come into force on 2nd October 2017.

CPD V Evidence 18E: Use of s.28 Youth Justice and Criminal Evidence Act 1999: Pre-recording of cross-examination and re-examination for witnesses captured by s.16 YJCEA 1999

1. This new practice direction is based on the existing protocol that was used to support the pilot of s.28 YJCEA 1999 at Leeds, Liverpool and Kingston Crown Courts. The practice direction has been updated and amended to reflect initiatives and changes within the criminal justice system that will impact on the management of s.28 YJCEA 1999 cases, as well as benefitting from the operational experience of the pilot sites since its inception in 2013. The accompanying annex provides additional guidance, especially for advocates, as to how ground rules hearings operate.

CPD VI Trial: 26G Juries: Preliminary instructions to jurors

2. This addition at 26G.5 mandates the use of the new form *Your Legal responsibilities as a Juror* which has been designed as an aid to assist members of the jury with understanding their legal rights and continuing duties and obligations. The form has been designed following a successful pilot that demonstrated that jurors' comprehension of what was expected of them when undertaking their civic duty significantly increased when the form was used.

CPD VI Trial: 26Q Majority verdicts

3. The amendment to 26Q.7 attempts to ensure that it is explicit that the trial judge has a discretion as to whether any unanimous verdicts are taken before giving the majority direction to juries.

CPD XI Appeal: 39A Appeals against conviction and sentence- the provision of notice to the prosecution

4. Following the case of *R v Palmer*, the creation of new paragraph 39A.7 establishes the procedure when there is a renewed application for leave to appeal against sentence

¹ [2015] EWCA 1567. Amendment Number 1 [2016] EWCA 97 was handed down by the Lord Chief Justice on 23rd March, 2016 and came into force on the 4th April, 2016. Amendment Number 2 [2016] EWCA 1714 was handed down by the Lord Chief on 16th November, 2016 and came into force on 16th November, 2016. Amendment Number 3 [2017] EWCA 30 was handed down by the Lord Chief Justice and came into force on the 31st January 2017. Amendment Number 4 [2017] EWCA 310 was handed down by the Lord Chief Justice on 28th March, 2017 and came into force on 3rd April, 2017.

where there has been a fatality. The current practice adopted by the Office of the Court of Appeal Criminal Division is that where there is a renewed application for leave to appeal against sentence, the court will adjourn the hearing so the prosecution can be represented and the victim's family can be notified. This amendment is the formal codification of that procedure.

CPD XI Other proceedings EXTRADITION 50D

5. This amendment ensures the practice direction remain consistent with the position in the Criminal Procedure Rules, the Committee having decided not to amend the current rules to require that a High Court order must be obtained to allow a legal representative to withdraw from extradition appeal proceedings.

Lord Chief Justice

26 July 2017