



MINISTRY OF JUSTICE

THE JUDICIARY OF ENGLAND AND WALES

CRIMINAL PROCEDURE RULE COMMITTEE

DESCRIPTION OF MEMBERS' ROLE AND RESPONSIBILITIES

1. The vacancies

The Lord Chancellor wishes to appoint the following members of the Criminal Procedure Rule Committee, on the coming to an end of some of the first appointments to the Committee:

- a Justices' Clerk;
- a person (probably, but not necessarily, a barrister) -
 - a) who has a Supreme Court qualification within the meaning of section 71 of the Courts and Legal Services Act 1990, and
 - b) who has particular experience of practice in criminal courts;
- a person (probably, but not necessarily, a solicitor) -
 - a) who has a right to conduct litigation granted by an authorised body under Part II of the Courts and Legal Services Act 1990 in relation to all proceedings in the Supreme Court, and
 - b) who has particular experience of practice in criminal courts.

2. Membership of the Criminal Procedure Rule Committee

The Committee was established by section 70 of the Courts Act 2003 and is chaired by the Lord Chief Justice. The President of the Queen's Bench Division is the deputy chairman. Members of the Criminal Procedure Rule Committee are drawn from among all the groups involved in the criminal justice system – the judiciary, the magistracy, legal practitioners, prosecutors, the police, voluntary organisations and government departments.

The Courts Act provides that the members shall be:

- i) a person nominated by the Lord Chancellor
- ii) three judges of the High Court or the Court of Appeal
- iii) two Circuit judges with particular experience of sitting in criminal courts
- iv) one District Judge (Magistrates' Courts)
- v) one lay magistrate
- vi) one justices' clerk

- vii) the Director of Public Prosecutions, or his nominee
- viii) two people with the Supreme Court qualification and the experience specified above
- ix) two people with the right to conduct litigation and the experience specified above
- x) a person representing the Association of Chief Police Officers
- xi) two people representing voluntary organisations with a direct interest in the work of criminal courts

The Lord Chief Justice, or his nominee, makes appointments in the first five categories, after consulting the Lord Chancellor. The Lord Chancellor makes appointments in the other categories, after consulting the Lord Chief Justice or his nominee. A copy of the current membership schedule is included with the application pack.

3. Background

The Criminal Procedure Rule Committee is responsible for making rules of court for the criminal division of the Court of Appeal, and for criminal cases in the Crown Court and in magistrates' courts. In accordance with the policy expressed in the Courts Act 2003, the Committee seeks to maintain a single, coherent and simply expressed set of rules governing the procedure in all those courts. The intention is that no longer should there be separate sets of criminal procedure rules governing different parts of the procedure, and supplementing different Acts. The rules made by the Criminal Procedure Rule Committee therefore are of great significance for the future of criminal justice. The Committee's home page on the Ministry of Justice website is <http://www.justice.gov.uk/about/criminal-proc-rule-committee.htm>.

The first rules made by the Committee were the Criminal Procedure Rules 2005 (S.I. 2005 No. 384). They came into force on 4 April, 2005. In those rules, the Committee consolidated, organised and began to simplify rules that before then had been contained in nearly 50 separate statutory instruments; and added notes that cross-referred to other relevant criminal justice legislation. Since making them, the Committee has continued to scrutinise the rules with a view to further improving and simplifying them. Part of that objective is to make rules as far as possible capable of accommodating whatever new criminal justice legislation Parliament may enact, without the need for ever-increasing numbers of new procedure rules.

The Committee endeavours to avoid making sporadic changes to the Criminal Procedure Rules and to make rules only twice a year, usually in December and in June, to come into force ordinarily in April and October. To assist the delivery of improvements in the Criminal Justice System generally, wherever appropriate, the Committee will make rules needed to supplement new legislation even where that new legislation is yet to be brought into force.

The Committee intends to consolidate these changes at five-yearly intervals (so first in 2010). Meanwhile, an informal consolidated text is available to the public on the

Department's website at

http://www.justice.gov.uk/criminal/procrules_fin/rulesmenu.htm

with information about the background and links to other pages including a 'plain English' description of the effect of amendments to the Rules at <http://www.justice.gov.uk/whatwedo/criminal-procedure-rules.htm>.

4. Practicalities about the work of the Committee

The goal of the Criminal Procedure Rule Committee is to streamline and modernise court procedures, to simplify the rules governing them and thus to make the criminal justice system accessible, fair and efficient. The Committee is assisted by officials from across the criminal justice system and it places a great emphasis on working in partnership to devise procedures that can be implemented readily and economically. The Committee is served by a dedicated Secretariat comprising staff of the Ministry of Justice, some of whom are lawyers.

The Committee meets at intervals of about 6 weeks at the Ministry of Justice Headquarters building at Selborne House in Victoria Street, London, SW1; but the frequency of meetings may vary to accommodate the volume and priority of the work with which it must deal. Meetings usually last for 3 to 4 hours and, throughout 2008, will be held on a Friday afternoon.

Papers are circulated one week in advance, to enable participants to assess them before full discussion at the next Committee meeting. Sub-groups of the Committee and supporting officials are convened to consider specific issues. The current sub-group is addressing the topics of case management and costs. The sub-groups hold separate meetings, usually during the morning of the day on which the Committee meets; and from time to time they report and make recommendations to the full Committee.

5. The role and responsibilities of Committee members

Members of the Committee must be willing to participate actively in the formulation and discussion of rule proposals in meetings of the Committee and of sub-groups, and willing to devote sufficient time to the preparation of Committee business. Members will be expected to hold and to express views and to demonstrate commitment to achieving change in a spirit of partnership. It is a convention of Committee meetings for all members to be invited to comment upon the papers before them. Members are encouraged to contribute their own proposals for practical procedure rule reform. As the representative from a key group, they share responsibility for ensuring that the Committee is informed of current issues and, in turn, for informing their respective group of the view of the Committee, current matters of concern, forthcoming rule changes and consultation rounds.

6. Terms of appointment

Appointments will be for a period of up to 4 years, commencing on 1 September, 2008. Re-appointment is possible, but is not guaranteed; and is in any event subject to the Code of Practice issued by the Commissioner for Public Appointments.

No remuneration is payable. Committee members will be reimbursed their travelling and out-of-pocket expenses incurred in connection with Committee business.

Members will be required to adhere to the Code of Conduct which has been adopted by the Committee and to complete a statement for entry in the Committee's Register of Interests.

7. Qualities required

Applicants for appointment will be assessed against the following criteria:

- i) having the qualification for the appointment required by section 70(2) of the Courts Act 2003;
- ii) experience suited to the appointment;
- iii) availability for service on the Committee;
- iv) commitment to the simplification and reform of criminal procedure;
- v) sound committee skills.

The following additional criteria are considered valuable:

- vi) participation in a relevant professional or representative body;
- vii) familiarity with the administration of the criminal courts;
- viii) drafting skills.

If you have any questions, please contact:

The Competition Manager, the Criminal Procedure Rule Committee Secretariat, Ministry of Justice, Selborne House, 54-60, Victoria Street, London, SW1E 6QW, telephone 020 7210 8266, or e-mail Legal.Admin@justice.gsi.gov.uk.

This recruitment is being carried out in accordance with the Code of Practice issued by the Commissioner for Public Appointments. **Interviews will be held on 20 and 21 May 2008 in London.**

The closing date for the receipt of applications is Friday 18 April 2008.

