

PART 2

UNDERSTANDING AND APPLYING THE RULES

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When the Rules apply

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

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

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

(3) These Rules apply on and after 5th October, 2015, but—

- (a) unless the court otherwise directs, they do not affect a right or duty existing under the Criminal Procedure Rules 2014(a); and
- (b) unless the High Court otherwise directs, Section 3 of Part 50 (Extradition – appeal to the High Court) does not apply to a case in which notice of an appeal was given before 6th October, 2014.

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

- (a) the rules in Part 50 (Extradition) do not apply; and
- (b) the rules in Part 17 of the Criminal Procedure Rules 2012(b) (Extradition) continue to apply as if those rules had not been revoked.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(c)) were revoked when those Rules came into force by provisions of the Courts Act 2003, the Courts Act 2003 (Consequential Amendments) Order 2004(d) and the Courts Act 2003 (Commencement No. 6 and Savings) Order 2004(e). 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(f) or under the Extradition Act 1989(g). By section 218 of the Extradition Act 2003, 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(h), the 2003 Act came into force on 1st January, 2004. However, article 3 of that Order(i) 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

(a) S.I. 2014/1610; amended by S.I. 2015/13, 2015/646.

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

(c) 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.

(d) S.I. 2004/2035.

(e) S.I. 2004/2066.

(f) 1965 c. 45; the Act was repealed by section 218(a) of, and Schedule 4 to, the Extradition Act 2003 (c. 41).

(g) 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.

(h) S.I. 2003/3103.

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

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 31st December, 2003.]

Definitions

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

‘advocate’ means a person who is entitled to exercise a right of audience in the court under section 13 of the Legal Services Act 2007(a);

‘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;

‘legal representative’ means:

- (i) the person for the time being named as a party’s representative in any legal aid representation order made under section 16 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(b), or
- (ii) subject to that, the person named as a party’s representative in any notice for the time being given under rule 46.2 (Notice of appointment or change of legal representative), provided that person is entitled to conduct litigation in the court under section 13 of the Legal Services Act 2007;

‘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 the courtroom;

‘Practice Direction’ means the Lord Chief Justice’s Criminal Practice Directions, 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(c); 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 legislation, including these Rules

2.3.—(1) 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(d) 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(e) those Regulations are called ‘the 2011 Regulations’.

(2) In the courts to which these Rules apply—

(a) 2007 c. 29.
 (b) 2012 c. 10.
 (c) 1996 c. 25; section 7A was inserted by section 37 of the Criminal Justice Act 2003 (c. 44).
 (d) 1996 c. 25.
 (e) S.I. 2011/209.

- (a) unless the context makes it clear that something different is meant, a reference to the Criminal Procedure Rules, without reference to a year, is a reference to the Criminal Procedure Rules in force at the date on which the event concerned occurs or occurred;
- (b) a reference to the Criminal Procedure Rules may be abbreviated to ‘CrimPR’; and
- (c) a reference to a Part or rule in the Criminal Procedure Rules may be abbreviated to, for example, ‘CrimPR Part 3’ or ‘CrimPR 3.5’.