EXPLANATORY MEMORANDUM TO

THE CRIMINAL PROCEDURE (AMENDMENT NO. 2) RULES 2023

2023 No. 786 (L.7)

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 These Rules amend the Criminal Procedure Rules 2020, S.I. 2020 No. 759, in 19 miscellaneous respects.

2.2 They add rules to replace former Practice Directions about (a) the duties of justices' legal advisers, (b) the prosecution of a defendant for the offence of failing to give name and date of birth when required to do so by a court, (c) the criteria for deciding whether or not to adjourn a court hearing, including a trial, (d) the procedure to follow when police bring a defendant to court in custody after arrest, (e) binding over as a sanction for misbehaviour, and (f) the criteria to be taken into account when imposing a penalty for contempt of court. They amend rules about forms used in criminal cases for consistency with new Practice Directions. They add rules about the established practice of requiring a defendant's address to be given in public in court. They add rules about the audio recording of proceedings in the Crown Court on an application for a search warrant or investigation order. They amend the rules about publication in court buildings of information about cases due to be heard there. They amend the rules about publication online of information about single justice procedure cases, to accommodate statutory amendments. They amend the rule about obtaining information from court records under legislation other than Criminal Procedure Rules. They add a rule about setting a timetable for any video recorded cross-examination and re-examination of a witness. They amend the rules about single justice procedure cases to accommodate new statutory provisions. They add a rule about preparation for the reading by a victim of crime of a victim personal statement in a youth court. They amend rules to accommodate new statutory provisions about serious disruption prevention orders. They amend the rules about applications to vary behaviour orders. They amend the rules about the citation of judgments in cases in the Court of Appeal, criminal division. They amend rules about an application to change the solicitor assigned to a defendant by a legal aid order.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction which the instrument forms part of the law of) is England and Wales.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 Sections 68 to 72 of the Courts Act 2003 provide for a Criminal Procedure Rule Committee of 18 members to make rules that govern the practice and procedure of the criminal courts, that is, magistrates' courts, the Crown Court, the High Court, in an extradition appeal, and the criminal division of the Court of Appeal. Section 69 requires the Committee to make rules that are simple and simply expressed, and that help make the criminal justice system accessible, fair and efficient. Section 72 requires the Committee to consult such persons as they consider appropriate before making rules. Members of the Rule Committee are drawn from among all the groups involved in the criminal justice system: the judiciary, including the magistracy, the legal professions, prosecutors, the police, voluntary organisations and the Ministry of Justice.

6.2 The first rules made by the Rule Committee were the Criminal Procedure Rules 2005. In those Rules, the Committee consolidated, organised and began to simplify rules of criminal procedure 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 then, the Committee has continued to revise and simplify those procedure rules in accordance with its statutory objective, while at the same time providing for new initiatives and for developments in legislation and in case law. Unless rule changes are needed urgently, the rules now are amended, if necessary, in June and in December, with the changes coming into force ordinarily on the first Monday in October and on the first Monday in April, respectively, of each year.

6.3 These rules supplement and accommodate (i) section 86A of the Courts Act 2003, which requires a defendant in a criminal court to provide his or her name and date of birth if so required by the court and makes it an offence to fail to comply without reasonable excuse, (ii) section 7 of the Bail Act 1976, section 1 of the Magistrates' Courts Act 1980, section 81 of the Senior Courts Act 1981 and section 46 of the Police and Criminal Evidence Act 1984, each of which concerns the arrest and detention of a defendant for an offence or for breach of bail, (iii) section 28 of the Youth Justice and Criminal Evidence Act 1999, which in some circumstances allows for the admission in evidence of a video recording of a witness' cross-examination and re-examination, (iv) section 20 of the Public Order Act 2023, which provides for serious disruption prevention orders, (v) section 1 of the Justices of the Peace Act 1361 and section 1 of the Justices of the Peace Act 1968, which between them provide for binding over, (vi) section 3 of the Judicial Review and Courts Act 2022, which amends the Magistrates' Courts Act 1980 to allow a defendant who is sent a single justice procedure notice alleging an offence in some cases to plead guilty online and to accept a prescribed penalty without the case being considered by a magistrate, and (vii) section 17 of the Criminal Appeal Act 1995, section 115 of the Crime and Disorder Act 1998, section 14 of the Offender Management Act 2007 and article 7 of the Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021, as examples of legislation which requires the provision of information to specified authorities in specified circumstances from court records maintained by HM Courts and Tribunals Service.

7. Policy background

What is being done and why?

Rules to replace Practice Directions

7.1 The Lord Chief Justice may give directions as to the practice and procedure of the criminal courts under section 74 of the Courts Act 2003. Those practice directions and the Criminal Procedure Rules complement each other. In April the Lord Chief Justice issued the Criminal Practice Directions 2023[1], superseding the Criminal Practice Directions 2015 as amended[2]. He and the Rule Committee agreed that some subjects dealt with in the 2015 Practice Directions should be omitted from the new Practice Directions and included as soon as possible in the Criminal Procedure Rules instead. These Rules amend the Criminal Procedure Rules to include those subjects. In each case the substance remains the same.

7.2 The 2015 Practice Directions temporarily retained pending the inclusion of those subjects in the Rules are published at https://www.gov.uk/guidance/rules-and-practice-directions-2020#criminal-practice-directions-2023-contents. The subjects about which these Rules amend the Criminal Procedure Rules correspondingly are:

(a) the duties of justices' legal advisers. Rules 3, 7, 8, 10, 12, 14 and 21 of these Rules add rule 2.12 and amend rules 9.4, 14.3, 24.14, 30.2, 35.4 and 47.25 of the Criminal Procedure Rules to include that provision.

(b) the prosecution of a defendant for the offence of failing to give name and date of birth when required to do so by a court. Rule 4 of these Rules amends rule 3.2 of the Criminal Procedure Rules to include that provision.

(c) the criteria for deciding whether or not to adjourn a court hearing, including a trial. Rule 4 of these rules amends rule 3.5 of the Criminal Procedure Rules to include that provision (and see also paragraph 5.4 of the Criminal Practice Directions 2023, about trial in magistrates' courts).

(d) the procedure to follow when police bring a defendant to court in custody after arrest. Rules 6 and 8 of these Rules add new rules 7.5, 7.6, 14.16 and 14.17 to the Criminal Procedure Rules to include that provision.

(e) binding over as a sanction for misbehaviour. Rule 13 of these Rules adds new rules 31.10 and 31.11 to the Criminal Procedure Rules to include that provision.

(f) the criteria to be taken into account when imposing a penalty for contempt of court. Rule 22 of these Rules amends rules 48.8 and 48.10 of the Criminal Procedure Rules to include that provision.

Defendant's address

7.3 The requirement for a defendant to give the court at least one address for correspondence about the case, usually a residential address, and to do so in court in public, is a common law requirement, not one imposed by legislation (though legislation may require the defendant to give an address for other reasons, for example

[1] https://www.judiciary.uk/guidance-and-resources/message-from-lord-burnett-lord-chief-justice-of-england-and-wales-new-criminal-practice-directions-2023/.
[2] https://www.judiciary.uk/guidance-and-resources/14th-amendment-to-the-criminal-practice-directions-2015-august-2022/.

as a condition of bail). It was suggested to the Rule Committee that it would clarify established practice to incorporate that requirement in the Criminal Procedure Rules.

7.4 The Criminal Procedure Rules already supplement the statutory requirements to give name, date of birth and, in some circumstances, nationality. These Rules add the procedure to follow in the event of a failure to comply: see paragraph 7.2(b) above. The Committee decided to consolidate all these requirements and rule 4 of these Rules amends rule 3.2 of the Criminal Procedure Rules accordingly.

Forms for use in connection with Criminal Procedure Rules

7.5 Rules 5.1 and 5.2 of the Criminal Procedure Rules allow for forms to be authorised by the Lord Chief Justice through the Criminal Practice Directions for use in connection with the Rules. The way in which the Criminal Practice Directions 2023 (see paragraph 7.1 above) describe the authorisation and amendment of forms differs from the description used in the Criminal Practice Directions 2015 and the present rules no longer correspond with that description. The Rule Committee agreed to amend those rules accordingly and rule 5 of these Rules does so.

Recording an application to the Crown Court for a search warrant, etc.

7.6 Rule 5.5 of the Criminal Procedure Rules supplements section 32 of the Criminal Appeal Act 1968 and requires the audio recording of proceedings in the Crown Court from which an appeal can be made to the Court of Appeal, criminal division. The present rule, and that Act, do not apply to other proceedings in the Crown Court, including applications for search warrants and other sorts of investigation order to which Part 47 of the Criminal Procedure Rules applies. The Criminal Practice Directions 2015 (see paragraph 7.1 above) required the recording of such applications and it is now established practice. However, the new Criminal Practice Directions do not require it. Such applications are made in private, usually in the absence of the person whose premises are to be searched or from whom information is required. To make a recording of such an application helps to establish what the court has been told, in case of dispute. It was suggested to the Rule Committee that it would clarify and authorise established practice to incorporate in the Criminal Procedure Rules that practice and the former Practice Direction requirement. The Committee agreed to do so and rule 5 of these Rules amends rule 5.5 of the Criminal Procedure Rules accordingly.

Information about court hearings

7.7 Rule 5.11 of the Criminal Procedure Rules requires the publication of lists of forthcoming court hearings and requires those lists to include information about the offence or offences alleged, if that is practicable. Hearing lists are published online and are displayed in the court building in which the case will be heard. Until recently it had not been practicable to include information about offences in the lists but new IT arrangements introduced by HM Courts and Tribunals Service now allow that. It was reported to the Rule Committee that the display of offence information in court buildings had led directly to an increasing number of incidents of disorder and threats of violence inside those buildings and in their vicinity which had put defendants, their legal representatives, members of the public and court staff at risk of injury.

7.8 The Committee decided that it would be compatible with the open justice principle recognised by rule 5.7 of the Criminal Procedure Rules to remove the requirement to display offence information in court buildings in order to minimise that risk. Rule 5 of

these Rules amends rule 5.11 of the Criminal Procedure Rules accordingly. Information about the alleged offence will continue to be available online; it will continue to be supplied to media representatives as a matter of course; and it will continue to be announced in the courtroom where the case is heard.

Information about single justice procedure cases

7.9 The single justice procedure and its amendment by the Judicial Review and Courts Act 2022 is described in paragraph 7.12 beneath. Rule 5.11 of the Criminal Procedure Rules requires the publication of information about single justice procedure cases "where a case is ready to be tried". A single justice procedure case is ready to be tried when 15 business days (the equivalent of 3 weeks) have elapsed since notice of the case was sent to the defendant. Now that amendments made by the Judicial Review and Courts Act 2022 will allow a defendant in some cases to plead guilty online and accept a penalty without a trial at all the Rule Committee decided to amend rule 5.11 in consequence. Rule 5 of these Rules amends that rule to refer to that period of 15 business days instead of referring to a trial so that information about the case still must be published even if no trial will take place.

Request for certificate, extract or information from court records under other legislation

7.10 Rule 5.12 of the Criminal Procedure Rules accommodates applications for information from court records made under legislation other than Criminal Procedure Rules which confers on a specified person or authority a right to specified information in specified circumstances. Despite recent amendments to the rule it was reported to the Rule Committee that requests for information under such other legislation frequently still were misunderstood. The Committee agreed to make further amendments to rule 5.12 accordingly. Rule 5 of these Rules does so.

Timetabling arrangements for a video recorded cross-examination

7.11 Section 28 of the Youth Justice and Criminal Evidence Act 1999 provides for a video recording of a witness' cross-examination and re-examination made before the rest of the trial to be admitted as part of the witness' evidence as a "special measure" for that witness under the Act. The Criminal Practice Directions 2023 (see paragraph 7.1 above) include some supplementary provisions and in practice courts set a timetable for arrangements for the recording. It was suggested to the Rule Committee that it would clarify and authorise that practice, and promote consistency, to incorporate in the Criminal Procedure Rules a requirement for such a timetable to be set. The Committee agreed to do so and rule 9 of these Rules amends rule 18.8 of the Criminal Procedure Rules accordingly.

Single justice procedure: the automatic online conviction option

7.12 The single justice procedure allows a magistrate to try a defendant in private without a court hearing on the basis of specified documents and to pass a sentence if the magistrate decides to convict. Provision for the procedure is in sections 16A to 16D of the Magistrates' Courts Act 1980 which were added to that Act in 2015. Further amendments by the Judicial Review and Courts Act 2022 will allow a defendant in some single justice procedure cases to plead guilty online and accept conviction and a penalty without a trial at all: "the automatic online conviction option", as the Act calls it. Rule 24.9 of the Criminal Procedure Rules supplements the present single justice procedure. Rule 10 of these Rules amends that rule to accommodate the new statutory amendments.

7.13 One of the new statutory provisions requires Criminal Procedure Rules to prescribe the time when a conviction takes effect if the defendant accepts the automatic online conviction option. Rule 10(b)(xiv) of these Rules amends rule 24.9 of the Criminal Procedure Rules to prescribe as that time the end of 5 business days after the defendant's acceptance (the equivalent of one week). Before the Judicial Review and Courts Bill became an Act it was suggested to the Rule Committee that Criminal Procedure Rules should allow for a "cooling-off" period as a safeguard for vulnerable or impetuous defendants who might regret their decision and wish to withdraw an online guilty plea. The Committee agreed. The Parliamentary Under-Secretary of State at the Ministry of Justice referred to this during debate on the Bill in the House of Lords.[3]

7.14 The new statutory provisions allow a magistrates' court to set aside a penalty or a conviction that follows a defendant's acceptance of the automatic online conviction option. Rules 11 and 19 of these Rules amend rules 28.4 and 44.3 of the Criminal Procedure Rules respectively to accommodate those new provisions.

Reading a victim personal statement in a youth court

7.15 The victim of a crime may make a victim personal statement about its effect. Rules 24.11 and 25.16 of the Criminal Procedure Rules require magistrates' courts and the Crown Court to take account of any such statement when sentencing a convicted defendant. Paragraph 9.5 of the Criminal Practice Directions 2023 (see paragraph 7.1 above) provides for such statements. The statement may be read to the court by the prosecutor or the victim may wish to read it out.

7.16 When a magistrates' court deals with a defendant under 18 it is known as a youth court. Access to a youth court is restricted by section 47 of the Children and Young Persons Act 1933. A victim who wants to read a victim personal statement to the court may need permission to attend. It was reported to the Rule Committee that this requirement sometimes was overlooked and that it would be helpful for rules to supply a procedure for the application required. The Committee agreed. Rule 10 of these Rules amends rule 24.11 of the Criminal Procedure Rules accordingly.

Serious disruption prevention orders

7.17 Part 31 of the Criminal Procedure Rules sets out procedures for dealing with all sorts of court orders that the rules call "behaviour orders", meaning orders for which a number of Acts provide, which are made on a defendant's conviction (and in some cases on acquittal), and which impose prohibitions and requirements on the defendant's conduct to deter future offending. The Public Order Act 2023 creates a "serious disruption prevention order" which a criminal court can make if a defendant is convicted of a protest-related offence, as defined by the Act, and within the previous 5 years the defendant has been convicted of another such offence, or has been found in contempt of court for protest-related disobedience to a civil court injunction. Rule 13 of these Rules amends rules 31.1, 31.3 and 31.10 (renumbered 31.9 by these Rules) of the Criminal Procedure Rules to accommodate these new orders.

[3] See Hansard HL deb 24 February 2022, vol 819, col 371.

Applications to vary, etc. behaviour orders

7.18 Behaviour orders are described in paragraph 7.17 above. Rule 31.5 of the Criminal Procedure Rules supplies a procedure to follow where the Act that creates a behaviour order gives the court power to vary, renew, discharge or revoke the order. Some Acts impose limitations on applications to the court to exercise that power but others do not. For example, section 361 of the Sentencing Act 2020 imposes no limit on the frequency of applications to vary or discharge a restraining order made to protect someone from harassment by the defendant and it anticipates that each such application will be heard in court.

7.19 The Criminal Procedure Rules already contain provisions to help the court prevent a defendant who is subject to a restraining order from making applications repeatedly to harass the protected person. The rule recognises the court's discretion not to inform the protected person of an application which the court does not expect to allow. However, it was reported to the Rule Committee that repeated applications to vary an order, every one of which the court had to consider at a hearing, abused the court's process and wasted the court's time. After discussing decisions of the High Court and Court of Appeal about the extent of a criminal court's inherent powers to prevent abuse of its process the Committee agreed that (i) a court could determine without a hearing a second or subsequent application to vary the same order if no material circumstance had changed, and (ii) rule 31.5 should recognise that power explicitly. Rule 13 of these Rules amends that rule accordingly.

Frequently cited authorities in the Court of Appeal

7.20 Rules in Parts 37, 38, 39 and 41 of the Criminal Procedure Rules require the appellant and the respondent in an appeal to the Court of Appeal to identify the case law on which they rely and to provide electronic copies of law reports of those cases. Some cases are often relied upon. To remove the need for the parties to provide copies of that case law in every appeal in which it is mentioned the Vice-President of the Court of Appeal, criminal division, and the Registrar of Criminal Appeals have published a list of frequently cited cases copies of the reports of which court members always will have.[4] The Registrar asked the Rule Committee to amend the Criminal Procedure Rules to accommodate that new arrangement. The Committee agreed and rules 15, 16, 17 and 18 of these Rules amend the Criminal Procedure Rules accordingly.

Application to change the solicitor assigned by a legal aid order

7.21 The purpose of this amendment is to clarify rule 46.3 of the Criminal Procedure Rules and to relieve defence solicitors of some of the burden imposed on them when a defendant applies to the court to change the solicitor named in a legal aid order.

7.22 The present rule supplements the Criminal Legal Aid (Determinations by a Court and Choice of Representative) Regulations 2013. It was made in 2015 in response to requests for procedure rules about applications under those Regulations. It requires the defendant and the current solicitor between them to explain how the criteria under the Regulations for a change of solicitor, or for the withdrawal from the case of the current solicitor, are met. The court must be satisfied that there has been a breakdown in the relationship between the defendant and the solicitor which is sufficiently serious to justify allowing a change of legal aid representative. The court will rely on

[4] The list is published at https://www.judiciary.uk/wp-content/uploads/2023/05/List-of-Frequently-Cited-Authorities-CACD.docx.

information given in the application and in the current solicitor's response to that application, supplemented by information from court records. The present rule requires the current solicitor to explain, among other things, "whether, and if so in what way, in the current representative's opinion, there has been a breakdown in the relationship with the applicant such that neither the individual representing the applicant nor any colleague of his or hers any longer can provide effective representation". Such an explanation often is understood to require a full description of the current solicitor's work on the case for the defendant whether the current solicitor agrees or disagrees with what the defendant's application says; for which explanation the current solicitor is not paid anything unless the application is determined at a hearing.

7.23 It was reported to the Rule Committee that sometimes the requirements of the Regulations still are overlooked or ignored and that occasionally the procedure appears to have been abused. The Committee invited comments on draft rule amendments from organisations representing defence solicitors and barristers and from judges and magistrates: see paragraphs 10.2 and 10.3 beneath. Taking those comments into account the Committee decided to (a) substitute the present rule with three new rules and to clarify their expression in various respects; (b) include a requirement for the proposed new representative to confirm that that representative has "informed the current representative of the defendant's wish to select a new representative" and has "discussed the defendant's grounds for the proposed application with the current representative" before the application is made; (c) include a requirement for the proposed new representative to confirm that that representative has "explained to the defendant what it means to waive the legal professional privilege attaching to the defendant's communications with the current representative and the potential consequences of not doing so"; (d) replace the present requirement for a full description of the current solicitor's work on the case with a requirement only to comment on assertions in the application that are not agreed and to "include any comments that the current representative thinks may assist the court"; (e) maintain the present provision that allows the court to determine an application without a hearing but include provision for a hearing "if that is needed to resolve matters in dispute or other matters unclear to the court"; (f) include a new provision acknowledging the court's power to postpone the date on which any withdrawal of legal aid takes effect; and (g) include a requirement for service on the prosecutor of notice of any withdrawal of legal aid. Rule 20 of these Rules substitutes new rules for rule 46.3 of the Criminal Procedure Rules accordingly.

Consequential amendments

7.24 The new rules and rule amendments described above require for consistency consequential amendments to Criminal Procedure Rules and notes to rules which are listed in the Explanatory Note to these Rules. Rule 23 of these Rules and the Schedule amend references to forms consequent on the amendments to rule 5.1 and 5.2 of the Criminal Procedure Rules described at paragraph 7.5 above.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 When it made the Criminal Procedure Rules 2005 the Committee declared its intention to effect after 5 years a legislative consolidation of those Rules with such amendments as had been made by then, and it did so in the Criminal Procedure Rules 2010. Having consulted on the desirability of continuing to consolidate the Rules at regular intervals, the Committee decided to do so: at first annually, between 2010 and 2015, then in 2016 reverting to the plan to consolidate at 5 yearly intervals.

9.2 In accordance with that plan the Rules were consolidated again in 2020. The Committee now intends to make a further consolidation in 2025. Meanwhile, the effects of amendments to the Criminal Procedure Rules 2020 will be published at https://www.legislation.gov.uk/uksi/2020/759/contents and an informal consolidated text will continue to be available to the public, with some additional commentary and explanation, at https://www.gov.uk/guidance/rules-and-practice-directions-2020.

10. Consultation outcome

10.1 The Rule Committee fulfilled its statutory obligation to consult as the Committee considers appropriate by inviting and reviewing suggestions and observations solicited by its members from among the groups from which each is drawn.

10.2 In addition, in connection with the rules about applications to change the solicitor assigned by a legal aid order described at paragraphs 7.21 to 7.23 above, the Committee invited observations from the Law Society, the Criminal Law Solicitors' Association, the London Criminal Courts Solicitors' Association, the Criminal Bar Association, Presiding and Resident Judges, the Council of HM Circuit Judges, the Chief Magistrate, the Council of HM District Judges (Magistrates' Courts), the Magistrates' Leadership Executive, the Magistrates' Association and the Justices' Legal Advisers' and Court Officers' Service. The Committee received 27 replies.

10.3 Except in one respect the consultation draft rules were substantially the same as those now substituted by these Rules. Every respondent agreed with the requirement for a prospective new representative to communicate with the current representative before a defendant's application is made to the court. The exception was that the consultation draft would have relieved the current solicitor of any obligation to comment at all on a defendant's application to change solicitor unless the current solicitor opposed it. Three respondents agreed. However, every judicial respondent disagreed, or was sceptical, emphasising the need in practice for information from the current solicitor. After discussion the Committee adopted the compromise described at paragraph 7.23(d) above.

11. Guidance

11.1 Amendments to the Criminal Procedure Rules are drawn to the attention of participants in the criminal justice system by correspondence addressed to members of the judiciary, to other relevant representative bodies (for example, the Law Society and the Bar Council) and to the editors of relevant legal journals; as well as by publicity within HM Courts and Tribunals Service, within the principal prosecuting authorities, and among local criminal justice boards.

11.2 News of changes to the Rules and of the effect of those changes is published at https://www.gov.uk/guidance/announcements-from-the-criminal-procedure-rule-committee.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector because these Rules maintain rules and procedures that are already current and introduce new rules and procedures that give effect to other legislation or established best practice.

12.3 A full Impact Assessment has not been prepared for this instrument for those reasons.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The making of Criminal Procedure Rules attracts independent academic and other comment. From time to time the Rules are in issue in cases in which the judgment is reported. The Committee secretariat draws members' attention to such comment and reports. Observations arising from judicial, institutional and commercial training courses on the Rules are monitored by Committee members. The Committee secretariat maintains an email address for enquiries about the rules, and from the enquirers to that address receives comments which it relays to the Committee. At least once a year the Committee receives and considers statistical information about criminal case management gathered by HM Courts and Tribunals Service and the Ministry of Justice.

14.2 Each judge and lawyer member of the Criminal Procedure Rule Committee practises regularly in the criminal courts, and each other member deals regularly with matters that affect or arise from the business of those courts. Each therefore draws upon his or her experience of the operation of the courts and of the Rules. Although members participate in an individual capacity, each is able also to reflect the views of the professional or other 'constituency' from which each comes.

14.3 Representatives of HM Courts and Tribunals Service, and of the criminal justice departments of government, attend Rule Committee meetings as observers. They, too, draw to the Committee's attention, as they arise, matters affecting the operation of the Rules.

15. Contact

15.1 Jonathan Solly at the Ministry of Justice telephone: 07811 823574 or email: jonathan.solly@justice.gov.uk can be contacted with any queries regarding the instrument.

15.2 Ed Lidington, Director of Courts, Criminal and Family Justice, at the Ministry of Justice can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Rt Hon. Alex Chalk KC MP, Lord Chancellor and Secretary of State for Justice, at the Ministry of Justice can confirm that this Explanatory Memorandum meets the required standard.