EXPLANATORY MEMORANDUM TO

THE CRIMINAL PROCEDURE (AMENDMENT) (NO. 2) RULES 2026

2026 No. 721 (L. 13)

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.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 The Rt Hon. David Lammy MP, Lord Chancellor and Secretary of State for Justice, at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

2.2 Amy Randall, Director, Criminal Justice and Courts Directorate, at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 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.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These Rules amend the Criminal Procedure Rules 2025, S.I. 2025 No. 909, in the following principal respects. They clarify the judicial functions exercisable by a justices' legal adviser at the first hearing in a case. In the rule about the issue of a summons by a magistrates' court they clarify the reference to circumstances in which the court should not issue a summons. They encourage action by court staff and courts to deal with outstanding warrants of arrest. They encourage the making of directions to protect the integrity of a hearing at which a video recording is made of pre-trial cross-examination. They codify case law requiring additional information from a private prosecutor who applies for costs from central funds. They accommodate, by cross-reference, note or other provision, recent legislative amendments providing for (i) witness companions whose roles are specified in regulations, (ii) anonymity and reporting restrictions in respect of an authorised firearms officer who is charged in certain circumstances with an offence, (iii) the announcement by a court of the opinion that an offence has involved domestic abuse, (iv) an order for a defendant to attend a sentencing hearing in the Crown Court, (v) an order in the Crown Court prohibiting in certain circumstances a defendant's exercise of parental responsibility, (vi) extension of the period for which sentencing may be deferred, (vii) the creation and amendment of various behaviour orders, (viii) a new time limit for the reference by the Attorney General to the Court of Appeal of what the Attorney believes to be unduly lenient sentencing, (ix) powers for a Crown Court judge to order an internet

protocol address provider or an internet domain registry to prevent access, and (x) proceedings for contempt of court in certain new circumstances.

4.2 These rules amend a rule that the Joint Committee on Statutory Instruments last year found to have been defectively drafted.

Where does the legislation extend to, and apply?

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

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

5. Policy Context

What is being done and why?

Exercise of judicial functions by justices' legal advisers

5.1 Part 6A of the Courts Act 2003 (Exercise of judicial functions by authorised persons)[1] specifies criteria that must be satisfied before a judicial function can be exercised by a court officer, the first being that the function must be one that the relevant rules of court (which in criminal courts are Criminal Procedure Rules) permit to be exercised by such a person. Recommendation 101 in Part 2 of the Independent Review of the Criminal Courts[2] reads, "I recommend that His Majesty's Courts and Tribunals Service deploys legal advisers to sit alone in Not Guilty Anticipated Plea Courts. Work should recommence urgently with the Ministry of Justice to review the powers required by a legal adviser to enable this and the Criminal Procedure Rules should be amended to provide legal advisers with all necessary powers, save only that contested allocation and bail decisions should continue to be handled by a Bench."

5.2 Rule 2.8 of the Criminal Procedure Rules already allows justices' legal advisers in magistrates' courts at the first hearing in the case to exercise most of the same functions as a magistrate in relation to case management, in relation to bail (except that a legal adviser cannot remand a defendant in custody) and in relation to allocation for trial. The Rule Committee reviewed that range of functions in the light of the recommendation. They decided that the only other powers needed to meet it were (i) the power to give a pre-trial ruling on a question of law, under section 8A of the Magistrates' Courts Act 1980[3] (as long as neither party objects), (ii) the power to impose certain reporting restrictions (again, as long as neither party objects), and (iii) the power to impose an interim disqualification from driving under section 26 of the Road Traffic Offenders Act 1988[4] pending sentencing by magistrates (unless the defendant gives notice of their intention to make representations against disqualification, as allowed by that Act). Rule 4 of these Rules amends rule 2.8 accordingly.

5.3 Section 67C of the Courts Act 2003[5] requires the Criminal Procedure Rule Committee to consider whether the rules should include a right for the parties to proceedings in which a decision is made by a member of court staff to have that decision

[1] https://www.legislation.gov.uk/ukpga/2003/39/part/6A.
[2] Published on 4th February, 2026 at https://www.gov.uk/government/publications/independent-review-of-the-criminal-courts-part-2.
[3] https://www.legislation.gov.uk/ukpga/1980/43/section/8A.
[4] https://www.legislation.gov.uk/ukpga/1988/53/section/26.
[5] https://www.legislation.gov.uk/ukpga/2003/39/section/67C.

reconsidered by a judicial office holder, and to give reasons if it makes rules that do not include such a right. All of the judicial functions exercisable by a justices' legal adviser in a magistrates' court already can be reconsidered by a court made up of magistrates, unless both parties have agreed to the decision. For that reason, the Rule Committee decided to create no additional power to reconsider a legal adviser's decision.

Witness companions

5.4 Rule 3.8 of the Criminal Procedure Rules supplies a procedure governing the exercise of a criminal court's inherent power to allow a witness to be supported by a companion at court. The roles of companions for two specific purposes have been prescribed by the Victim Support (Specified Roles) Regulations since 2025[6], namely independent domestic violence advisers and independent sexual violence advisers. Recently there came into force provisions of the same regulations prescribing the role of an independent stalking advocate. Rule 5 of these Rules amends rule 3.8 to refer now to all three prescribed types of companion.

Reporting restrictions

5.5 Part 6 of the Criminal Procedure Rules (Reporting, etc. restrictions) lists the difference types of statutory reporting restriction and supplies procedures for applications to make or vary such restrictions. Section 200 of the Crime and Policing Act 2026[7] creates new powers and obligations for courts to withhold the identity of an authorised firearms officer charged with a qualifying offence, and to impose reporting restrictions. Rule 7 of these Rules amends the note to rule 6.1 of the Criminal Procedure Rules to include references to these new statutory powers.

Issue of a summons by a magistrates' court

5.6 Under section 1 of the Magistrates' Courts Act 1980[8] a magistrate can issue a summons or warrant requiring someone accused of a crime to attend court to be prosecuted. Rule 7.2 of the Criminal Procedure Rules lists the information that a prospective prosecutor must supply to allow the magistrate to consider the application properly, if that prosecutor is not a public authority (public authorities include the police, the Crown Prosecution Service and local authorities). There are statutory time limits for the issue of a summons, and some statutory restrictions on who is allowed to apply to prosecute. Decisions by magistrates under section 1 of the 1980 Act may be challenged in the High Court, by the prospective prosecutor or by the defendant. In judgments over many years the High Court has identified circumstances in which a summons or warrant ought not to be issued. Rule 7.2 presently includes a list of examples of those circumstances. The list is a summary (but only a summary) of the case law..

5.7 A prospective prosecutor whose application to a magistrate to issue a summons had been refused wrote to the Criminal Procedure Rule Committee complaining that the present rule was misleading because it implied that only if the circumstances of the case came clearly within those listed could a magistrate refuse to issue a summons. The Committee reviewed the rule and agreed to replace it with (i) a short statement of the principle confining a magistrate's power to issue a summons, and (ii) a list of examples of circumstances taken from case law, to be set out in a note to the rule

[6] https://www.legislation.gov.uk/uksi/2025/455/contents/made.
[7] https://www.legislation.gov.uk/ukpga/2026/20/section/200.
[8] https://www.legislation.gov.uk/ukpga/1980/43/section/1.

which made it clear that the list was of examples only. Rule 8 of these rules amends rule 7.2 of the Criminal Procedure Rules accordingly.

Outstanding arrest warrants

5.8 Sometimes a defendant attending court in a prosecution is the subject of an arrest warrant issued in another prosecution, perhaps at another court; because they have failed to attend court when required, or failed to pay an overdue fine, or for some other reason. HM Courts and Tribunals Service asked the Criminal Procedure Rule Committee to make a rule that would make it clear that it is not only permitted but required, in the interests of justice, that court staff should check court records for outstanding arrest warrants as a matter of routine, and if one is found then the court should be asked to take such action as is appropriate in the individual circumstances. Rule 9 of these Rules amends rule 13.5 of the Criminal Procedure Rules accordingly.

Video recorded cross-examination: ancillary directions

5.9 Where a vulnerable or threatened witness has had their evidence in chief video recorded under section 27 of the Youth Justice and Criminal Evidence Act 1999[9] the court may give a special measures direction to help the witness to give evidence by requiring their cross-examination to be video recorded in advance of trial as well, under section 28 of the 1999 Act[10]. At present, there are Criminal Procedure Rules about applications for special measures directions but none about the conduct of the court hearing at which the cross-examination is recorded.

5.10 A prosecution witness who had been the complainant of a sexual offence wrote to the Rule Committee to complain that in their case potential defence witnesses had been in court as members of the public while the cross-examination was recorded, and no directions had been given to prevent that happening or otherwise to maintain the integrity of the recording hearing. The Committee reviewed the present rules, taking account also of relevant potential new statutory provisions presently contained in clauses 12, 13, 14, 15 and 16 of the Courts and Tribunals Bill now before Parliament[11]. The Committee decided that rule 18.8 of the Criminal Procedure Rules should be amended to encourage courts to give appropriate additional directions. Rule 10 of these rules makes those amendments accordingly.

Announcement that an offence involved domestic violence

5.11 Section 6 of the Sentencing Act 2026[12] requires a court which is sentencing a defendant to announce its opinion if the court decides that the offence involved domestic abuse within the meaning of sections 1 and 2 of the Domestic Abuse Act 2021[13]. Rules 11(a) and 12(e) of these Rules incorporate that requirement in magistrates' courts' and the Crown Court's sentencing procedures respectively, in rules 24.11 and 25.16 of the Criminal Procedure Rules. Rule 6 of these Rules amends rule 5.4 of the Criminal Procedure Rules to require a record to be made of such an announcement.

[9] https://www.legislation.gov.uk/ukpga/1999/23/section/27.
[10] https://www.legislation.gov.uk/ukpga/1999/23/section/28.
[11] https://bills.parliament.uk/bills/4083/publications.
[12] https://www.legislation.gov.uk/ukpga/2026/2/section/6.
[13] https://www.legislation.gov.uk/ukpga/2021/17/part/1.

Order in the Crown Court for a defendant to attend sentencing

5.12 Section 1 of the Victims and Courts Act 2026[14] creates new statutory powers for the Crown Court to require a defendant to attend a sentencing hearing, and provides for penalties if the defendant refuses to do so. Rule 12(a), (c) and (g) of these Rules amends rule 25.16 of the Criminal Procedure Rules to supplement these new statutory powers.

Order in the Crown Court prohibiting a defendant's exercise of parental responsibility

5.13 Section 18 of the Victims and Prisoners Act 2024[15] amends the Children Act 1989 to require that where a defendant with parental responsibility for a child is convicted of the murder of the child's other parent, or convicted of the manslaughter of that other parent in circumstances in which but for loss of control or diminished responsibility the defendant would have been liable to be convicted of murder, the Crown Court must ordinarily make a "prohibited steps order" specifying that no step which could be taken by a parent in meeting their parental responsibility for a child may be taken by the defendant with respect to the child without the consent of the High Court or the family court. Rule 12(b), (e) and (g) of these Rules amends rule 25.16 of the Criminal Procedure Rules to supplement this new statutory obligation.

Deferment of sentence

5.14 Under section 3 of the Sentencing Act 2020[16] a court may defer sentencing a convicted defendant for the purpose of allowing it to take account of that defendant's subsequent conduct, or any change in that defendant's circumstances. A deferment order may impose requirements as to the defendant's conduct during the deferment period. By a recent amendment to the 2020 Act made by the Sentencing Act 2026[17] the maximum period of deferment was extended from 6 to 12 months. Rules 11 and 12 of these Rules include amendments to references to the period of deferment in rule 24.11 (magistrates' court trial) and rule 25.16 (Crown Court trial) of the Criminal Procedure Rules accordingly.

Behaviour orders

5.15 New and amended statutory provision made by the Border Security, Asylum and Immigration Act 2025[18] and the Crime and Policing Act 2026[19] amend serious crime prevention orders and stalking protection orders; create child criminal exploitation prevention orders; and affect electronic monitoring and other requirements available in connection with serious crime prevention orders and domestic abuse protection orders: all of which orders the Criminal Procedure Rules describe as "behaviour orders".

5.16 Part 31 of the Criminal Procedure Rules governs the procedure on applications for, and to vary, behaviour orders. Rule 14 of these Rules amends rules in that Part to include references to the new and amended statutory provisions. Rule 13 of these Rules adds to the note to rule 28.3 of the Criminal Procedure Rules references to new statutory obligations on defendants to notify the police of their names and addresses,

[14] https://www.legislation.gov.uk/ukpga/2026/19/section/1.
[15] https://www.legislation.gov.uk/ukpga/2024/21/section/18.
[16] https://www.legislation.gov.uk/ukpga/2020/17/section/3.
[17] https://www.legislation.gov.uk/ukpga/2026/2/section/5.
[18] https://www.legislation.gov.uk/ukpga/2025/31/contents.
[19] https://www.legislation.gov.uk/ukpga/2026/20/contents.

and of some other details, and to notify the police if any of those details change, where a serious crime prevention order or a stalking protection order is made.

Attorney General's reference of unduly lenient sentence

5.17 Under section 36 of the Criminal Justice Act 1988[20] if the Attorney General thinks the sentencing of a defendant in the Crown Court is unduly lenient the Attorney may refer the case to the Court of Appeal: but only if the sentence is one to which Part IV of the 1988 Act applies, and only if the Court of Appeal gives permission. Until now, the statutory time limit for doing so has been 28 days, under paragraph 1 of Schedule 3 to the 1988 Act. Recently, section 13 of the Victims and Courts Act 2026[21] extended the time limit where the Attorney General receives a request to refer sentencing shortly before the 28-day time limit expires. The time limit is incorporated in rule 41.2 of the Criminal Procedure Rules. Rule 15 of these Rules brings the incorporation up to date.

Private prosecutors' costs

5.18 A private prosecutor can recover their legal costs from public funds if the court so orders, irrespective of the outcome of the case but subject to any limit imposed by the court, under section 17 of the Prosecution of Offences Act 1985[22]. Rule 45.4 of the Criminal Procedure Rules requires a prosecutor's application to give information specified in the rule.

5.19 In two cases last year, *R v BDI and Others*[23] and *R v Taktouk*[24], the Court of Appeal dealt with failures of private prosecutors adequately to explain and to justify their costs claims. In each case the court reminded prosecutors of the importance of compliance with current rules and added (in words used in the judgment in *BDI*) "the need for a court, when considering in relation to a significant prosecution whether to make any, and if so what, order under s17(1) of the POA 1985, to have regard to the steps taken by a private prosecutor to involve the state prosecuting authorities and to test the market for appropriate legal representation". The Rule Committee noted the judgment and decided to incorporate those requirements into the current rules. Rule 16 of these Rules amends rule 45.4 of the Criminal Procedure Rules accordingly.

Orders for the suspension of internet protocol addresses or internet domain names

5.20 Schedule 18 to the Crime and Policing Act 2026[25] creates a power for a Crown Court judge, on application by an investigator, to order an internet protocol address provider or an internet domain registry to prevent access for up to 12 months where an address or domain name is being used (in summary) in connection with serious crime. Such applications have procedural features in common with applications for overseas production orders, which the rules in Section 10 of Part 47 of the Criminal Procedure Rules already accommodate. To accommodate the new legislation, the Rule Committee has made new rules that correspond with the existing rules about overseas production orders. Rule 17 of these Rules adds the new procedure rules to Part 47.

Contempt of court as a sanction in new circumstances

5.21 A defendant who refuses to attend for sentencing in the Crown Court may be punished for contempt of court (see paragraph 5.12 above). So, too, may a person who disobeys

[20] https://www.legislation.gov.uk/ukpga/1988/33/section/36.
[21] https://www.legislation.gov.uk/ukpga/2026/19/section/13.
[22] https://www.legislation.gov.uk/ukpga/1985/23/section/17.
[23] https://caselaw.nationalarchives.gov.uk/ewca/crim/2025/1289.
[24] https://caselaw.nationalarchives.gov.uk/ewca/crim/2025/1473.
[25] https://www.legislation.gov.uk/ukpga/2026/20/schedule/18.

an order made by a Crown Court judge in connection with preventing access to an Internet Protocol address or Internet domain name (paragraph 5.20 above). Rule 18 of these Rules adds references to these new provisions to Part 48 of the Criminal Procedure Rules, the rules about contempt of court.

6. Legislative and Legal 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 across 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) Part 6A of the Courts Act 2003, section 8A of the Magistrates' Courts Act 1980, section 26 of the Road Traffic Offenders Act 1988 and section 50 of the Crime and Disorder Act 1998 (exercise of judicial functions by justices' legal advisers), (ii) section 16 of the Victims and Prisoners Act 2024 and the Victim Support (Specified Roles) Regulations 2025 (witness companions), (iii) section 200 of the Crime and Policing Act 2026 (reporting restrictions), (iv) section 1 of the Magistrates' Courts Act 1980 (issue of summons), (v) sections 25 and 27 of the Youth Justice and Criminal Evidence Act 1999 (video recorded cross-examination), (vi) section 6 of the Sentencing Act 2026 (announcement that offence involved domestic abuse), (vii) section 1 of the Victims and Courts Act 2026 (order for defendant to attend Crown Court sentencing), (viii) section 18 of the Victims and Prisoners Act 2024 (order in the Crown Court prohibiting defendant's exercise of parental responsibility, (ix) section 5 of the Sentencing Act 2026 (maximum period of deferment of sentencing), (x) sections 58 and 59 of the Border Security, Asylum and Immigration Act 2025 and sections 50, 61 and 128 of, and Schedule 6 to, the Crime and Policing Act 2026 (behaviour orders), (xi) section 13 of the Victims and Courts Act 2026 (Attorney General's reference of sentencing), and (xii) Schedule 18 to the Crime and Policing Act 2026 (suspension of internet protocol address and internet domain name).

6.4 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.

6.5 In accordance with that plan the Criminal Procedure Rules were consolidated in 2020 and again in 2025. The Committee now intends to make a further consolidation in June, 2030. Meanwhile, the effects of amendments to the Criminal Procedure Rules 2025 will be published on the National Archive website at legislation.gov.uk[26] and an informal consolidated text, with some commentary and explanation and with some additional material, will be published on the government website[27].

7. Consultation

Summary of consultation outcome and methodology

7.1 Material statutory provisions and case law frequently determine procedure that must or should be followed in criminal courts and which Criminal Procedure Rules incorporate. The Rule Committee nonetheless fulfilled its statutory obligation to consult as it considered appropriate by inviting and reviewing suggestions solicited by its members from among the groups from which each is drawn and then canvassing members' observations during Committee meetings. Those observations thus reflect the views and experiences of Committee members themselves and of those with whom those members routinely work and communicate. All the amendments made by these Rules were influenced by those observations.

7.2 The recommendation by the Independent Review of the Criminal Courts described at paragraph 5.1 above was made after the consultation by that Review described in the two parts of its report.

7.3 The provision described at paragraph 5.7 above was formulated by the Rule Committee with the correspondent who had suggested it; without that correspondent's eventual approval, regrettably (they had asked for provisions which the Committee considered that it had no power to make).

7.4 The provision described at paragraph 5.10 above was formulated by the Rule Committee with the correspondent who had suggested it.

8. Applicable Guidance

8.1 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.

8.2 News of changes to the Rules and of the effect of those changes is published online.[28]

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument for the reasons given beneath.

[26] At https://www.legislation.gov.uk/uksi/2025/909/contents.
[27] At https://www.gov.uk/guidance/rules-and-practice-directions-2020.
[28] At https://www.gov.uk/guidance/announcements-from-the-criminal-procedure-rule-committee.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because these rules do not apply to the activities undertaken by them (the rules govern procedure in criminal courts).

9.3 The legislation does not impact small or micro businesses.

9.4 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.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The making of Criminal Procedure Rules attracts independent academic and other comment. From time to time the Rules feature in reported case law. 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.

10.2 Each judicial and legal member of the Committee practises regularly in the criminal courts, while the remaining members are closely engaged with the work 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, they are also able to reflect the views of the professional or representative constituencies from which they are drawn.

10.3 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.

10.4 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 In its Fortieth Report of the Parliamentary Session 2024 – 26, published on 21st November, 2025[29], the Joint Committee on Statutory Instruments reported the Criminal Procedure Rules 2025, S.I. 2025/909, for doubt as to whether rules were *intra vires* in two respects and for defective drafting in one respect.

11.2 The doubts as to vires were addressed by rule 7 of, and paragraph 15 of the Schedule to, the Criminal Procedure (Amendment) Rules 2026, S.I. 2026/47.

11.3 The defective drafting was the reference in rule 45.4(8)(b) and (9) of the Criminal Procedure Rules 2025 to regulations made by the Lord Chancellor which are presently identified in rule 45.4(7) and in the note to the rule but not in paragraph (8) or (9). That formulation had been first adopted in the Criminal Procedure (Amendment)

[29] At https://committees.parliament.uk/publications/50316/documents/271937/default/.

Rules 2012. It had been subsequently repeated in the Criminal Procedure Rules 2013, 2014, 2015 and 2020, and in the Criminal Procedure (Amendment No. 2) Rules 2022, without attracting comment or reported confusion. However, when the Rule Committee was discussing the amendments to rule 45.4 made by rule 16(a) of these Rules (see paragraphs 5.18 and 5.19 above) they were asked to further clarify paragraphs (8) and (9) of the rule and agreed to do so by rule 16(b) of these Rules.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").