STATUTORY INSTRUMENTS

2021 No. 40 (L. 1)

SENIOR COURTS OF ENGLAND AND WALES

MAGISTRATES' COURTS, ENGLAND AND WALES

The Criminal Procedure (Amendment) Rules 2021

Made - - - -	*11th January 2021*
Laid before Parliament	*15th January 2021*
Coming into force in accordance with rule 2	

The Criminal Procedure Rule Committee makes the following Rules under sections 69 and 86A(2) of the Courts Act 2003(**a**), after consulting in accordance with section 72(1)(a) of that Act.

Citation and commencement

1. These Rules amend the Criminal Procedure Rules 2020(**b**) and may be cited as the Criminal Procedure (Amendment) Rules 2021.

2. These Rules come into force on 8th February 2021, save for the following which come into force on 5th April 2021—

(a) rule 6(a) and (b);

(b) rule 9(a) to (h), (k), (l) and (m)(ii);

(c) rule 10;

(d) rule 17(c)(i);

(e) rule 20;

(f) rule 21;

(g) rule 22;

(h) rule 23(b) and (c);

(i) rule 24;

(j) rule 25; and

(k) rule 30(b).

(**a**) 2003 c. 39; section 69 was amended by sections 15(1) and 146 of, and paragraphs 308 and 332 of Schedule 4 and Part 2 of Schedule 18 to, the Constitutional Reform Act 2005 (c. 4). Section 86A was inserted by section 162 of the Policing and Crime Act 2016 (c. 3).

(**b**) S.I. 2020/759.

Transitional and saving provision

3.—(1) This rule applies to a case in which a transitional or saving provision of one of the following instruments preserves a right, discretion or duty conferred or imposed by legislation which that instrument repeals, revokes or amends—

(a) the Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019(**a**);

(b) the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019(**b**).

(2) To the extent that such a right, discretion or duty is preserved—

(a) a corresponding amendment made by any of the following rules does not apply—

(i) rule 8,

(ii) rule 9(i), (j) and (m)(i),

(iii) rule 11,

(iv) rule 16(b) and (c),

(v) rule 17(a)(i) and (vi), (b), (d), (e) and (f),

(vi) rule 23(d),

(vii) rule 27(a) and (k) to (t),

(viii) rule 28,

(ix) rule 29(a), and

(x) rule 30(a); and

(b) the provision of the Criminal Procedure Rules 2020 applicable to the exercise of that right, discretion or duty continues to apply.

Interpretation

4. In rules 5 to 30 beneath a reference to a Part or rule by number alone means the Part or rule so numbered in the Criminal Procedure Rules 2020.

Amendments to the Criminal Procedure Rules

5. In Part 1 (The overriding objective), in rule 1.1—

(a) renumber sub-paragraphs (2)(b) to (g) as (2)(c) to (h) respectively; and

(b) after sub-paragraph (2)(a) insert—

"(b) treating all participants with politeness and respect;".

6. In Part 3 (Case management)—

(a) in rule 3.3 (The duty of the parties)—

(i) at the end of paragraph (2)(d) omit "and", and

(ii) after paragraph (2)(e) insert—

"(f) alerting the court to any potential impediment to the defendant's effective participation in the trial; and

(g) alerting the court to any related family proceedings or anticipated such proceedings as soon as reasonably practicable after becoming aware of them.";

(b) in rule 3.5 (The court's case management powers)—

(i) at the end of paragraph (2)(h) omit "and", and

(ii) after paragraph (2)(i) insert—

(**a**) S.I. 2019/742; amended by Schedule 3 to the European Union (Future Relationship) Act 2020 (c. 29).
(**b**) S.I. 2019/780.

"(j) request information from a court dealing with family proceedings by—

(i) making the request itself, or

(ii) directing the court officer or a party to make the request on the criminal court's behalf; and

(k) supply information to a court dealing with family proceedings as if an application had been made under rule 5.8(7) (Supply to the public, including reporters, of information about cases) by—

(i) supplying the information itself, or

(ii) directing the court officer or a party to supply that information on the criminal court's behalf.";

(c) in rule 3.8 (Case preparation and progression), from the note to the rule omit the second paragraph;

(d) in rule 3.16 (Pre-trial hearings in a magistrates' court: general rules), in paragraph 5(a) for "name, date of birth and nationality" substitute "name and date of birth"; and

(e) in rule 3.21 (Pre-trial hearings in the Crown Court: general rules), in paragraph 5(a)(i) for "name, date of birth and nationality" substitute "name and date of birth".

7. In Part 9 (Allocation and sending for trial)—

(a) in the note to rule 9.8 (Adult defendant: request for plea), for "see sections 4 and 6 of the Powers of Criminal Courts (Sentencing) Act 2000(**a**)" substitute "see sections 18 and 20 of the Sentencing Act 2020(**b**)";

(b) in the note to rule 9.11 (Adult defendant: allocation for magistrates' court trial), for "see sections 3, 3A, 3C, and 6 of the Powers of Criminal Courts (Sentencing) Act 2000(**c**)" substitute "see sections 14, 15, 17 and 20 of the Sentencing Act 2020"; and

(c) in the note to rule 9.13 (Young defendant), for "see sections 3B, 3C, 4A and 6 of the Powers of Criminal Courts (Sentencing) Act 2000(**d**)" substitute "see sections 16, 17, 19 and 20 of the Sentencing Act 2020".

8. In Part 14 (Bail and custody time limits)—

(a) in rule 14.1 (Where this Part applies)—

(i) for paragraph (1) substitute—

"(1) This Part applies where a magistrates' court or the Crown Court can—

(a) grant or withhold bail, or impose or vary a condition of bail; and

(b) where bail has been withheld, extend a custody time limit.",

(ii) in paragraph (2), for "Rules 14.20, 14.21 and 14.22" substitute "Rules 14.18, 14.19 and 14.20",

(iii) in the first paragraph of the note to the rule, omit sub-paragraph (e) (which refers to Part 7 of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014(**e**)) and renumber sub-paragraphs (f), (g) and (h) as (e), (f) and (g) respectively, and

(iv) for the second paragraph of the note to the rule substitute—

"*At the end of this Part there is a summary of the general entitlement to bail and of the exceptions to that entitlement.*";

(b) in rule 14.2 (Exercise of court's powers: general)—

(**a**) 2000 c. 6; sections 4 and 6 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**b**) 2020 c. 17.
(**c**) 2000 c. 6; sections 3, 3A, 3C and 6 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**d**) 2000 c. 6; sections 3B, 3C, 4A and 6 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**e**) S.I. 2014/3141.

(i) in the second paragraph of the note to the rule omit "and under regulation 79(3) of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014,", and

(ii) in the fourth paragraph of the note to the rule for "rule 14.20" substitute "rule 14.18";

(c) in rule 14.4 (General duties of court officer), in each of paragraphs (1)(b)(iii) and (5) for "rule 14.21" substitute "rule 14.19";

(d) in rule 14.7 (Notice of application to consider bail), in the first paragraph of the note to the rule omit "and forms of application, draft order and certificate for use where an applicant wants the court to exercise the powers to which rule 14.16 applies (Bail condition to be enforced in another European Union member State)";

(e) omit rules 14.16 (Bail condition to be enforced in another European Union member State) and 14.17 (Enforcement of measure imposed in another European Union member State) and the notes to those rules;

(f) renumber rules 14.18 to 14.22 as rules 14.16 to 14.20 respectively;

(g) in rule 14.18 as thus renumbered (Exercise of court's powers: extension of pre-charge bail)—

(i) in paragraphs (1) and (8), for "14.21", in each place it occurs, substitute "14.19",

(ii) in paragraph (4), for "14.22" substitute "14.20",

(iii) in the first paragraph of the note to the rule, for "rules 14.21 and 14.22" substitute "rules 14.19 and 14.20";

(h) amend the table of contents correspondingly; and

(i) in the note at the end of the Part, omit the headings "Requirements that may be monitored and enforced in another European Union member State" and "Grounds for refusing to monitor and enforce a supervision measure imposed in another European Union member State" and the paragraphs that follow each of those headings.

9. In Part 18 (Measures to assist a witness or defendant to give evidence)—

(a) for the heading to the Part substitute "Measures to help a witness or defendant to give evidence or otherwise participate";

(b) in rule 18.1 (When this Part applies)—

(i) at the end of paragraph (e) omit "and",

(ii) for paragraph (f) substitute—

"(f) where the court can—

(i) appoint an intermediary to facilitate a defendant's effective participation in that defendant's trial, when the defendant gives evidence or at any other time, or

(ii) vary or discharge such an appointment; and

(g) where the court can exercise any other power it has to give, make, vary, rescind, discharge or revoke a direction for a measure to help a witness to give evidence or to help a defendant to participate in that defendant's trial.", and

(iii) at the end of the rule insert—

"*[Note. At the end of this Part there is a summary of the circumstances in which a witness or defendant may be eligible for the assistance of one of the measures to which this Part applies.]*";

(c) at the end of rule 18.2 (Meaning of 'witness') omit the note to the rule;

(d) omit rule 18.7 (Declaration by intermediary);

(e) renumber rules 18.3 (Making an application for a direction or order), 18.4 (Decisions and reasons), 18.5 (Court's power to vary requirements under this Part) and 18.6 (Custody of documents) as rules 18.4, 18.5, 18.7 and 18.7 respectively;

(f) after rule 18.2 (Meaning of 'witness') insert—

"**Meaning of 'intermediary' and 'intermediary's report'**

18.3. In this Part

(a) 'intermediary' means a person who is—

(i) approved by the court for the purposes of section 29 of the Youth Justice and Criminal Evidence Act 1999(**a**) (Examination of witness through intermediary),

(ii) approved by the court for the purposes of section 33BA of the 1999 Act(**b**) (Examination of accused through intermediary),

(iii) asked to assess a defendant's communication needs, or

(iv) appointed by the court to facilitate a defendant's effective participation in the trial, when the defendant gives evidence or at any other time, where otherwise that defendant's communication needs would impede such participation; and

(b) a reference to 'an intermediary's report' means a report by such a person which complies with rule 18.32.";

(g) in rule 18.4, as thus renumbered (Making an application for a direction or order), in the first paragraph of the note to the rule for "and rule 18.24 (Content of application for a live link direction)" substitute ", rule 18.24 (Content of application for a live link direction) and rule 18.27 ((Appointment of intermediary to facilitate a defendant's participation)";

(h) in rule 18.5, as thus renumbered (Decisions and reasons), in paragraph (3) after "before the witness gives evidence" insert "or the defendant's trial begins (as the case may be)";

(i) in rule 18.24 (Content of application for a live link direction)—

(i) omit paragraphs (2) and (3),

(ii) paragraph (1) becomes the text of the rule, and

(iii) for the first paragraph of the note to the rule substitute—

"*[Note. See section 32 of the Criminal Justice Act 1988*(**c**) *and section 51 of the Criminal Justice Act 2003*(**d**)*.*";

(j) in rule 18.25 (Application to discharge a live link direction, etc.)—

(i) in the title to the rule omit "etc.",

(ii) omit paragraphs (3) and (4),

(iii) for the note to the rule substitute—

"*[Note. See section 32(4) of the Criminal Justice Act 1988*(**e**) *and section 52(3) of the Criminal Justice Act 2003*(**f**)*.]*";

(k) after rule 18.26 (live link directions; representations in response) insert—

(**a**) 1999 c. 23; section 29 was amended by paragraph 384 of Schedule 8 to the Courts Act 2003 (c. 39).

(**b**) 1999 c. 23; section 33BA is inserted by section 104(1) of the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.

(**c**) 1988 c. 33; section 32 was amended by section 55 of the Criminal Justice Act 1991 (c. 53), section 29 of, and paragraph 16 of Schedule 2 to, the Criminal Appeal Act 1995 (c. 35), sections 67 and 68 of, and Schedule 6 to, the Youth Justice and Criminal Evidence Act 1999 (c. 23) and article 3 of, and paragraph 26 of the Schedule to, S.I. 2004/2035. It is temporarily omitted by section 87 of, and paragraph 10 of Schedule 23 to, the Coronavirus Act 2020 (c. 7).

(**d**) 2003 c. 44; section 51 is temporarily amended by section 87 of, and paragraph 2 of Schedule 23 to, the Coronavirus Act 2020 (c. 7).

(**e**) 1988 c. 33; section 32(4) was amended by article 3 of, and paragraph 26 of the Schedule to, S.I. 2004/2035.

(**f**) 2003 c. 44; section 52 is temporarily omitted by section 87 of, and paragraph 2 of Schedule 23 to, the Coronavirus Act 2020 (c. 7).

"INTERMEDIARY FOR A DEFENDANT

Appointment of intermediary to facilitate a defendant's participation

18.27.—(1) The court must exercise its power to appoint an intermediary to facilitate a defendant's effective participation in the trial where—

(a) the defendant's ability to participate is likely to be diminished by reason of—

(i) age, if the defendant is under 18, or

(ii) mental disorder (as defined in section 1(2) of the Mental Health Act 1983(**a**)), a significant impairment of intelligence and social functioning, or a physical disability or disorder; and

(b) the appointment is necessary for that purpose.

(2) In determining whether such an appointment is necessary, who to appoint and the duration or purpose of the appointment, the court must have regard to—

(a) the defendant's communication needs as reported to the court;

(b) the recommendations in any intermediary's report received by the court;

(c) any views that the defendant has expressed about—

(i) receiving the assistance of an intermediary,

(ii) other measures or arrangements to facilitate the defendant's effective participation in the trial;

(d) the likely impact of the defendant's age, if under 18, level of intellectual ability or social functioning on the ability to—

(i) give evidence, and

(ii) understand what is said and done by the court and other participants;

(e) the likely impact on such participation and on such understanding of any mental disorder or other significant impairment of intelligence or social functioning;

(f) the adequacy of arrangements for questioning the defendant in the absence of an intermediary;

(g) any assistance that the defendant has received in the past—

(i) while giving evidence in legal proceedings,

(ii) while being questioned during the investigation of an alleged offence, or

(iii) as a defendant in a criminal case;

(h) any assessment of the defendant's health by a mental health practitioner acting independently of the parties to assist the court;

(i) any expert medical opinion that the court may have received; and

(j) any other matter that the court thinks relevant.

(3) The court may exercise its power to appoint an intermediary—

(a) for the duration of every hearing that the defendant is due to attend;

(b) for the duration of any specified such hearing or hearings, or for the duration of a specified part of such a hearing; or

(c) for a specified purpose during a hearing.

(4) Unless the court otherwise directs, the appointment of an intermediary extends to facilitating the defendant's communication with that defendant's legal representatives for the duration and for the purpose of the appointment.

(**a**) 1983 c. 20; section 1(2) was amended by sections 1, 55 and 56 of, and Schedule 11 to, the Mental Health Act 2007 (c. 12).

(5) The court may decide whether to appoint an intermediary to facilitate a defendant's effective participation in the trial and whether to vary or discharge any such appointment—

(a) on application or on the court's own initiative;

(b) at a hearing, in public or in private, or without a hearing; and

(c) in a party's absence, if that party—

(i) applied for the appointment, variation or discharge, or

(ii) has had at least 10 business days in which to make representations.

(6) The court must not exercise its power to vary or discharge a direction for the appointment of an intermediary unless satisfied that—

(a) since the direction was made—

(i) the defendant's communication needs have changed materially, or

(ii) any other material circumstance has changed materially; and

(b) the defendant will be able to participate effectively in the trial despite the variation or discharge of the direction.

Application to vary or discharge the appointment of an intermediary for a defendant

18.28.—(1) A party who wants the court to vary or discharge the appointment of an intermediary to facilitate a defendant's effective participation in the trial must—

(a) apply in writing, as soon as reasonably practicable after becoming aware of the grounds for doing so; and

(b) serve the application on—

(i) the court officer, and

(ii) each other party.

(2) The applicant must—

(a) explain how the criteria listed in rule 18.27(7) are met (variation or discharge of appointment); and

(b) ask for a hearing, if the applicant wants one, and explain why it is needed.

Representations in response to application or proposal

18.29.—(1) This rule applies where a party wants to make representations about—

(a) an application or proposal for the appointment of an intermediary to facilitate a defendant's effective participation in the trial; or

(b) an application or proposal for the variation or discharge of such an appointment.

(2) Such a party must—

(a) serve the representations on—

(i) the court officer, and

(ii) each other party;

(b) do so not more than 10 business days after, as applicable—

(i) service of the application, or

(ii) notice of the appointment, variation or discharge that the court proposes; and

(c) ask for a hearing, if that party wants one, and explain why it is needed.

(3) Representations against such an appointment, variation or discharge must explain why the criteria that apply are not met.

Intermediary's duty to the court

18.30.—(1) This rule applies to an intermediary who accepts—

(a) approval by the court for the purposes of section 29 of the Youth Justice and Criminal Evidence Act 1999(**a**) (Examination of witness through intermediary);

(b) approval by the court for the purposes of section 33BA of the 1999 Act(**b**) (Examination of accused through intermediary); or

(c) appointment by the court to facilitate a defendant's effective participation in the trial, when the defendant gives evidence or at any other time.

(2) The intermediary must help the court to achieve the overriding objective—

(a) to the best of the intermediary's skill and understanding by—

(i) communicating to the witness or defendant (as the case may be) questions put to them,

(ii) communicating to the questioner and the court the replies, and

(iii) explaining such questions and answers so that they can be understood;

(b) by assessing continually the witness' or the defendant's (as the case may be) ability to participate effectively and intervening if necessary;

(c) where the intermediary is appointed to facilitate a defendant's effective participation, by explaining to the defendant, in terms the defendant can understand, what is said and done by the court and other participants; and

(d) by actively assisting the court in fulfilling its duties under rule 3.2 (Case management; The duty of the court) and rule 3.9 (Case management; Ground rules hearing), in particular by—

(i) complying with directions made by the court, and

(ii) at once informing the court of any significant failure (by the intermediary or another) to take any step required by such a direction.

(3) This duty overrides any obligation to the witness or to the defendant (as the case may be), or to the person by whom the intermediary is paid.

Declaration by intermediary

18.31.—(1) This rule applies where—

(a) a video recorded interview with a witness is conducted through an intermediary; or

(b) the court directs the examination of a witness or defendant through an intermediary.

(2) The intermediary must make a declaration—

(a) before such an interview begins; and

(b) before the examination begins (even if such an interview with the witness was conducted through the same intermediary).

(3) The declaration must be in these terms, or in any corresponding terms that the intermediary declares to be binding—

> "I swear by Almighty God [*or* I solemnly, sincerely and truly declare and affirm] that I shall faithfully communicate questions and answers and make true explanation

(**a**) 1999 c. 23; section 29 was amended by paragraph 384 of Schedule 8 to the Courts Act 2003 (c. 39).
(**b**) 1999 c. 23; section 33BA is inserted by section 104(1) of the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.

of all matters and things required of me according to the best of my skill and understanding."

Content of intermediary's report

18.32.—(1) An intermediary's report must, in every case—

(a) give details of the intermediary's qualifications, relevant experience and any accreditation;

(b) identify the commissioner of the report;

(c) identify those from whom the intermediary has obtained information material to the report;

(d) list the documents received or inspected by the intermediary which contained such information and give an indication of their content;

(e) give the date or dates on which the intermediary met the witness or defendant, as the case may be, for the purpose of preparing the report;

(f) describe the nature and duration of the intermediary's assessment, or assessments, of the witness or defendant;

(g) by reference to examples drawn from the intermediary's assessment of the witness or defendant explain why in this particular case intermediary assistance is necessary;

(h) include an evaluation of—

(i) the impact of any condition or conditions which, whether in isolation or together, may adversely affect the witness' or the defendant's ability to communicate, and

(ii) the extent, if any, to which that impact may be exacerbated by the trial;

(i) if the intermediary is not able to reach an evaluation without qualifying it, state the qualification;

(j) report the views of the witness or defendant, as the case may be, on receiving the assistance of an intermediary;

(k) include in a summary of the intermediary's conclusions any recommendation, with reasons, for—

(i) the approval or appointment of an intermediary,

(ii) the manner and duration of any questioning of the witness or defendant, as the case may be, and

(iii) arrangements for the way in which the intermediary, if approved or appointed, should participate; and

(l) contain a statement that the intermediary—

(i) understands an intermediary's duty to the court, and

(ii) will comply with that duty if approved or appointed.

(2) Where the intermediary is asked to evaluate a defendant's communication needs the report must also—

(a) include an evaluation of the extent to which any measures or arrangements beside the appointment of an intermediary will facilitate the defendant's effective participation in the trial; and

(b) in the summary of the intermediary's conclusions include any recommendation, with reasons, for—

(i) the duration and purpose of any appointment of an intermediary, and

(ii) other measures or arrangements to help the defendant to participate effectively in the trial.";

(l) amend the table of contents correspondingly; and

(m) in the note at the end of the Part—

(i) omit the third and fourth paragraphs after the heading "Live link direction" (which paragraphs concern the Criminal Justice (European Investigation Order) Regulations 2017), and

(ii) at the end of the note insert—

"***Intermediary for a defendant***

In order to ensure the defendant's effective participation in his or her trial the court has an inherent power to appoint an intermediary to facilitate that participation, including during the giving of evidence by the defendant.".

10. In the amendments to rules in Part 18 which temporarily have effect under rule 2.1(4)(e) (When the Rules apply)—

(a) omit the substitution of rule 18.1(f) effected by rule 2.1(4)(e)(ii);

(b) omit the substitutions and insertion in rule 18.4 (Decisions and reasons) effected by rule 2.1(4)(e)(ii); and

(c) subject to rule 2.1(6) (expiry of temporary amendments)—

(i) for paragraph (3) of rule 18.5 (Decisions and reasons) as renumbered by rule 9(e) of these Rules substitute—

"(3) The court must announce, at a hearing in public before the witness gives evidence or the defendant's trial begins (as the case may be), the reasons for a decision—

(a) to give, make, vary or discharge—

(i) a special measures direction for a witness, or

(ii) a direction to help a defendant to participate in that defendant's trial; or

(b) to refuse to do so.

(4) Where the court can give, vary or rescind a live link direction the court must—

(a) announce the reasons for a decision not to give such a direction; and

(b) in the case of a live link direction for a sentencing hearing, announce the reasons for a decision to rescind that direction.

(5) Where the court gives a direction for everyone taking part in a hearing to do so by live link the court must announce the reasons for a decision—

(a) not to direct that the proceedings are to be broadcast, within the meaning of section 85A of the Courts Act 2003(**a**) (Enabling the public to see and hear proceedings); or

(b) not to direct that a recording of the proceedings is to be made, within the meaning of that section of that Act.",

(ii) for the first paragraph of the note to rule 18.5, as thus renumbered, substitute—

"*[Note. See sections 20(5), 33A(8) and 33BB(4) of the Youth Justice and Criminal Evidence Act 1999*(**b**)*, sections 57B(6), 57E(8) and 57F(9) of the Crime and Disorder Act 1998 and section 51(8) of the Criminal Justice Act 2003.*", and

(iii) after the second paragraph of the note to rule 18.5, as thus renumbered, insert—

(**a**) 2003 c. 39; section 85A was temporarily inserted by section 55 of, and paragraph 1 of Schedule 25 to, the Coronavirus Act 2020 (c. 7).

(**b**) 1999 c. 23; section 20 was amended by paragraph 384(a) of Schedule 8 to the Courts Act 2003 (c. 39). Section 33A was inserted by section 47 of the Police and Justice Act 2006 (c. 48). Section 33BB is inserted by section 104 of the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.

"*Under section 85A of the Courts Act 2003, if the court directs that proceedings are to be conducted wholly by live video or live audio link the court may direct (i) that the proceedings are to be broadcast for the purpose of enabling members of the public to see and hear, or to hear, those proceedings (as the case may be), and (ii) that a recording of the proceedings is to be made for the purpose of enabling the court to keep an audio-visual, or audio, record of the proceedings (as the case may be).*".

11. In Part 21 (Evidence of bad character), in the second paragraph of the note to rule 21.2 (Content of application or notice) omit "or European Union".

12. In Part 24 (Trial and sentence in a magistrates' court)—

(a) in the note to rule 24.1 (When this Part applies), in the second paragraph, for "section 9 of the Powers of Criminal Courts (Sentencing) Act 2000(**a**)" substitute "section 27 of the Sentencing Act 2020(**b**)";

(b) in the note to rule 24.11 (Procedure if the court convicts)—

(i) in the first paragraph, for "sections 143, 158, 164, 172 and 174 of the Criminal Justice Act 2003(**c**)" substitute "Sections 31, 52, 59, 63, 124, 125 and 126 of the Sentencing Act 2020",

(ii) in the fourth paragraph, for "section 162 of the Criminal Justice Act 2003(**d**)" substitute "section 35 of the Sentencing Act 2020",

(iii) in the sixth paragraph, for "section 156 of the Criminal Justice Act 2003(**e**)" substitute "section 30 of the Sentencing Act 2020",

(iv) in the seventh paragraph, for "section 159 of the Criminal Justice Act 2003(**f**)" substitute "section 32(3) of the Sentencing Act 2020",

(v) in the eighth paragraph, for "section 8 of the Powers of Criminal Courts (Sentencing) Act 2000(**g**)" substitute ""section 25 of the Sentencing Act 2020",

(vi) in the thirteenth paragraph, for "section 174(4) of the Criminal Justice Act 2003(**h**)" substitute "section 52(4) of the Sentencing Act 2020",

(vii) in the fourteenth paragraph, for "sections 3, 3A, 3B, 3C, 4, 4A and 6 of the Powers of Criminal Courts (Sentencing) Act 2000(**i**)" substitute "sections 14, 15, 16, 17, 18, 19 and 20 of the Sentencing Act 2020", and

(viii) in the fifteenth paragraph, for "section 1 of the 2000 Act(**j**)" substitute "section 3 of the Sentencing Act 2020";

(c) in rule 24.15 (Duty of court officer)—

(i) for the heading to the rule substitute "Duty of court officer and custodian",

(ii) the existing text becomes paragraph (1),

(iii) after paragraph (1) insert—

"(2) Where the court passes a sentence of immediate imprisonment or detention, or orders a suspended sentence of imprisonment to take effect, by this rule—

(a) the court requires the defendant to provide, in writing or orally, his or her nationality; and

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(**a**) 2000 c. 6; section 9 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**b**) 2020 c. 17.
(**c**) 2003 c. 44; sections 143, 158, 164, 172 and 174 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**d**) 2003 c. 44; section 162 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**e**) 2003 c. 44; section 156 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**f**) 2003 c. 44; section 159 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**g**) 2000 c. 6; section 8 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**h**) 2003 c. 44; section 174 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**i**) 2000 c. 6; sections 3, 3A, 3B, 3C, 4, 4A and 6 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**j**) 2000 c. 6; section 1 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(b) the custodian must obtain that information and record it.", and

(iv) at the end of the note to the rule insert—

"*Under section 86A of the Courts Act 2003*(**a**)*, Criminal Procedure Rules must specify stages of proceedings at which the court must require the information to which rule 24.15(2) refers. A person commits an offence if, without reasonable excuse, that person fails to comply with such a requirement, whether by providing false or incomplete information or by providing no information.*"; and

(d) amend the table of contents correspondingly.

13. In Part 25 (Trial and sentence in the Crown Court)—

(a) in rule 25.2 (General powers and requirements)—

(i) in paragraph (1)(c)(iii), for "section 83(3) of the Powers of Criminal Courts (Sentencing) Act 2000(**b**)" substitute "section 226(7), (8) of the Sentencing Act 2020(**c**)", and

(ii) in the note to the rule, for "See section 83 of the Powers of Criminal Courts (Sentencing) Act 2000. Section 83(3)" substitute "See section 226(7), (8) of the Sentencing Act 2020, which";

(b) in the note to rule 25.16 (Procedure if the court convicts)—

(i) in the first paragraph, for "sections 143, 158, 164, 172 and 174 of the Criminal Justice Act 2003" substitute "Sections 31, 52, 59, 63, 124, 125 and 126 of the Sentencing Act 2020",

(ii) in the third paragraph, for "section 156 of the Criminal Justice Act 2003" substitute "section 30 of the Sentencing Act 2020",

(iii) in the fourth paragraph, for "section 159 of the Criminal Justice Act 2003" substitute "section 32(3) of the Sentencing Act 2020",

(iv) in the sixth paragraph, for "section 162 of the Criminal Justice Act 2003" substitute "section 35 of the Sentencing Act 2020", and

(v) in the thirteenth paragraph, for "section 1 of the Powers of Criminal Courts (Sentencing) Act 2000" substitute "section 3 of the Sentencing Act 2020";

(c) in rule 25.18 (Duty of court officer)—

(i) for the heading to the rule substitute "Duty of court officer and custodian",

(ii) the existing text becomes paragraph (1),

(iii) after paragraph (1) insert—

"(2) Where the court passes a sentence of immediate imprisonment or detention, or orders a suspended sentence of imprisonment to take effect, by this rule—

(a) the court requires the defendant to provide, in writing or orally, his or her nationality; and

(b) the custodian must obtain that information and record it.", and

(iv) at the end of the note to the rule insert—

"*Under section 86A of the Courts Act 2003, Criminal Procedure Rules must specify stages of proceedings at which the court must require the information to which rule 25.18(2) refers. A person commits an offence if, without reasonable excuse, that person fails to comply with such a requirement, whether by providing false or incomplete information or by providing no information.*"; and

(d) amend the table of contents correspondingly.

(**a**) 2003 c. 39; section 86A was inserted by section 162 of the Policing and Crime Act 2016 (c. 3).
(**b**) 2000 c. 6; section 83 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**c**) 2020 c. 17.

14. In Part 28 (Sentencing procedures in special cases)—

(a) in the note to rule 28.1 (Reasons for not following usual sentencing requirements)—

(i) for "section 174 of the Criminal Justice Act 2003(**a**); section 73(8) of the Powers of Criminal Courts (Sentencing) Act 2000(**b**); section 130(3) of the 2000 Act(**c**)" substitute "sections 52, 54 and 55 of the Sentencing Act 2020(**d**);",

(ii) for "paragraph 8(3) of Schedule 12 to the 2003 Act(**e**)" substitute "paragraph 14(1) of Schedule 16 to the 2020 Act",

(iii) for "section 73 of the Serious Organised Crime and Police Act 2005(**f**)" substitute "section 74 of the 2020 Act",

(iv) for "section 174(1) of the 2003 Act" substitute "section 52(1) of the 2020 Act",

(v) for "section 125 of the Coroners and Justice Act 2009(**g**)" substitute "section 59 of the 2020 Act", and

(vi) for "sections 73 and 130 of the 2000 Act(**h**)" substitute "sections 110 and 134 of the 2020 Act";

(b) in the note to rule 28.2 (Notice of requirements of suspended sentence and community, etc. orders)—

(i) in the first paragraph, for "section 219(1) of the Criminal Justice Act 2003(**i**)" substitute "sections 212(2) and 298(2) of the Sentencing Act 2020" and for "paragraph 34(1) of Schedule 1 to the Criminal Justice and Immigration Act 2008(**j**)" substitute "section 190(2) of the 2020 Act",

(ii) in the second paragraph, in sub-paragraph (a), for "section 189 of the 2003 Act(**k**)" substitute "sections 264, 277, 286 and 288 of the 2020 Act",

(iii) in the second paragraph, for sub-paragraph (b) substitute—

"*(b) make a community order (defined by section 200 of the 2020 Act), or a youth rehabilitation order (defined by section 173(1) of that Act), and for the identity and duties of responsible officers and qualifying officers, see generally Chapters 1 and 2 of Part 9 of the 2020 Act;*", and

(iv) in the third paragraph, for "sections 190 or 215 of the 2003 Act(**l**), or section 1(2) of the 2008 Act(**m**)" substitute "sections 174, 201 or 287 of the 2020 Act";

(c) in the note to rule 28.4 (Variation of sentence), for "section 155 of the Powers of Criminal Courts (Sentencing) Act 2000(**n**)" substitute "section 385 of the Sentencing Act 2020" and for "section 155(7)" substitute "section 385(7) of that Act";

(d) in the note to rule 28.5 (Application to vary or discharge a compensation, etc. order)—

(i) in sub-paragraph (a), for "section 130 of the Powers of Criminal Courts (Sentencing) Act 2000(**o**)" substitute "section 133 of the Sentencing Act 2020", and

(ii) in sub-paragraph (c), for "the 2000 Act, see section 133" substitute "the 2020 Act, see section 143" and for "section 133(4)" substitute "section 143(3)";

(e) in the note to rule 28.7 (Application for a restitution order by the victim of a theft)—

(**a**) 2003 c. 44; section 174 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**b**) 2000 c. 6; section 73 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**c**) 2000 c. 6; section 130 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**d**) 2020 c. 17.
(**e**) 2003 c. 44; Schedule 12 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**f**) 2005 c. 15; section 73 was repealed in part by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**g**) 2009 c. 25; section 125 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**h**) 2000 c. 6; sections 73 and 130 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**i**) 2003 c. 44; section 219 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**j**) 2008 c. 4; Schedule 1 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**k**) 2003 c. 44; section 189 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**l**) 2003 c. 44; sections 190 and 215 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**m**) 2008 c. 4; section 1 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**n**) 2000 c. 6; section 155 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**o**) 2000 c. 6; section 130 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(i) for "section 148 of the Powers of Criminal Courts (Sentencing) Act 2000(**a**)" substitute "section 147 of the Sentencing Act 2020", and

(ii) for "section 148(2)(b) of the 2000 Act" substitute "section 147(1)(b) of the 2020 Act";

(f) in the note to rule 28.8 (Directions for commissioning medical reports for sentencing purposes), in the second paragraph—

(i) in sub-paragraph (e), for "section 157 of the Criminal Justice Act 2003(**b**)" substitute "section 232 of the Sentencing Act 2020", and

(ii) in sub-paragraph (f), for "section 207 of the 2003 Act(**c**)" substitute "paragraphs 16 and 17 of Schedule 9 to the 2020 Act" and for "section 1(1)(k) of the Criminal Justice and Immigration Act 2008(**d**)" substitute "paragraphs 28 and 29 of Schedule 6 to that Act";

(g) in the note to rule 28.10 (Information to be supplied on committal for sentence, etc.)—

(i) in sub-paragraph (a) of the first paragraph, for "sections 3, 3A, 3B, 3C, 4, 4A and 6 of the Powers of Criminal Courts (Sentencing) Act 2000(**e**)" substitute "sections 14, 15, 16, 17, 18, 19 and 20 of the Sentencing Act 2020",

(ii) in sub-paragraph (b) of the first paragraph, for "section 10 of the 2000 Act(**f**)" substitute "section 28 of the 2020 Act",

(iii) in sub-paragraph (c) of the first paragraph, for "section 8 of the 2000 Act(**g**)" substitute "sections 25 and 26 of the 2020 Act",

(iv) in sub-paragraph (d) of the first paragraph, for "section 9 of the 2000 Act(**h**)" substitute "section 27 of the 2020 Act",

(v) in the second paragraph, for "sections 1C and 13 of the 2000 Act(**i**) and section 189 of, and Schedule 12 to, the Criminal Justice Act 2003(**j**)" substitute "section 10 of, and Schedules 2 and 16 to, the 2020 Act",

(vi) in the third paragraph, for "section 140 of the 2000 Act(**k**)" substitute "section 132 of the 2020 Act", and

(vii) in the fourth paragraph, for "section 219(3) of the 2003 Act(**l**); paragraph 34(3) of Schedule 1 to the Criminal Justice and Immigration Act 2008(**m**)" substitute "sections 212(4), 298(4) and 190(4) of the 2020 Act"; and

(h) in the note to rule 28.11 (Application to review sentence because of assistance given or withheld)—

(i) in the first paragraph, for "section 73 of the Serious Organised Crime and Police Act 2005(**n**)" substitute "section 74 of the Sentencing Act 2020", and

(ii) in the second paragraph, for "section 74 of the 2005 Act(**o**)" substitute "sections 387 and 388 of the 2020 Act".

(**a**) 2000 c. 6; section 148 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**b**) 2003 c. 44; section 157 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**c**) 2003 c. 44; section 207 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**d**) 2008 c. 4; section 1 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**e**) 2000 c. 6; sections 3, 3A, 3B, 3C, 4, 4A and 6 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**f**) 2000 c. 6; section 10 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**g**) 2000 c. 6; section 8 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**h**) 2000 c. 6; section 9 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**i**) 2000 c. 6; sections 1C and 13 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**j**) 2003 c. 44; section 189 and Schedule 12 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**k**) 2000 c. 6; section 140 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**l**) 2003 c. 44; section 219(3) was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**m**) 2008 c. 4; Schedule 1 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**n**) 2005 c. 15; section 73 was repealed in part by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**o**) 2005 c. 15; section 74 was repealed in part by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

15. In Part 29 (Road traffic penalties), in the note to rule 29.3 (Information to be supplied on order for endorsement of driving record, etc.)—

(a) in the second paragraph, for "sections 146(4) and 147(5) of the Powers of Criminal Courts (Sentencing) Act 2000(**a**)" substitute "section 168 of the Sentencing Act 2020(**b**)"; and

(b) in sub-paragraph (c) of the third paragraph, for "under the 2000 Act, see sections 146 and 147 of that Act" substitute "under the 2020 Act, see sections 163 and 164 of that Act".

16. In Part 30 (Enforcement of fines and other orders for payment)—

(a) in rule 30.5 (Application to reduce a fine, vary payment terms or remit a courts charge)—

(i) in paragraph (2)(d)(i), for "section 21E of the Prosecution of Offences Act 1985(**c**)" substitute "section 50 of the Sentencing Act 2020(**d**)",

(ii) in the first paragraph of the note to the rule, for "section 165 of the Criminal Justice Act 2003(**e**) and section 21E of the Prosecution of Offences Act 1985" substitute "sections 50 and 127 of the Sentencing Act 2020", and

(iii) in the second paragraph of the note to the rule, for "section 21A of the 1985 Act(**f**)" substitute "section 46 of the 2020 Act", for "section 21B" substitute "sections 44 and 45 of that Act" and for "section 21E" substitute "section 50";

(b) omit rule 30.10 (Financial penalties imposed in other European Union member States) and the note to that rule; and

(c) amend the table of contents correspondingly.

17. In Part 31 (Behaviour orders)—

(a) in rule 31.1 (When this Part applies)—

(i) for paragraph (1) substitute—

"(1) This Part applies where a magistrates' court or the Crown Court can make, vary or revoke a civil order—

(a) as well as, or instead of, passing a sentence, or in any other circumstances in which other legislation allows the court to make such an order; and

(b) that requires someone to do, or not do, something.",

(ii) in sub-paragraph (a)(ii) of the first paragraph of the note to the rule, for "section 5 of the Protection from Harassment Act 1997(**g**)" substitute "section 360 of the Sentencing Act 2020(**h**)",

(iii) in sub-paragraph (a)(iv) of the first paragraph of the note to the rule, for "sections 8 and 9 of the Crime and Disorder Act 1998(**i**)" substitute "section 366 of the 2020 Act",

(iv) in sub-paragraph (a)(v) of the first paragraph of the note to the rule, for "section 103A of the Sexual Offences Act 2003(**j**)" substitute "section 345 of the 2020 Act",

(v) in sub-paragraph (a)(vii) of the first paragraph of the note to the rule, for "section 22 of the Anti-social Behaviour, Crime and Policing Act 2014(**k**)" substitute "section 331 of the 2020 Act", and

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(**a**) 2000 c. 6; sections 146 and 147 were repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**b**) 2020 c. 17.
(**c**) 1985 c. 23; section 21E was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**d**) 2020 c. 17.
(**e**) 2003 c. 44; section 165 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**f**) 1985 c. 23; section 21A was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**g**) 1997 c. 40; section 5 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**h**) 2020 c. 17.
(**i**) 1998 c. 37; sections 8 and 9 were repealed in part by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**j**) 2003 c. 42; section 103A was repealed in part by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**k**) 2014 c. 12; section 22 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(vi) omit the second paragraph of the note to the rule (which concerns the Criminal Justice (European Protection Order) Regulations 2014(**a**));

(b) in rule 31.2 (Behaviour orders: general rules)—

(i) for paragraph (2) substitute—

"(2) That restriction does not apply to making an interim behaviour order, but unless other legislation otherwise provides such an order has no effect unless the person to whom it is directed—

(a) is present when it is made; or

(b) is handed a document recording the order not more than 5 business days after it is made.",

(ii) omit paragraph (4), and

(iii) for the second paragraph of the note to the rule substitute—

"*See section 14A(3) of the Football Spectators Act 1989*(**b**) *and section 366 of the Sentencing Act 2020.*";

(c) in rule 31.3 (Application for behaviour order and notice of terms of proposed order: special rules)—

(i) in paragraph (7)(b) for "rule 18.3(a)" substitute "rule 18.4(a)", and

(ii) in the third paragraph of the note to the rule for "section 31 of the Anti-social Behaviour, Crime and Policing Act 2014(**c**)" substitute "section 340 of the Sentencing Act 2020";

(d) omit rules 31.9 and 31.10 (which concern the Criminal Justice (European Protection Order) Regulations 2014) and the notes to those rules;

(e) renumber rule 31.11 (Court's power to vary requirements under this Part) as rule 31.9; and

(f) amend the table of contents correspondingly.

18. In Part 32 (Breach, revocation and amendment of community and other orders), in rule 32.1 (When this Part applies)—

(a) for paragraph (a) substitute—

"(a) the person responsible for a defendant's compliance with an order to which applies—

(i) Schedule 5, 7, 10 or 16 to the Sentencing Act 2020(**d**), or

(ii) the Schedule to the Street Offences Act 1959(**e**)

wants the court to deal with that defendant for failure to comply;"; and

(b) for the note to the rule substitute—

"*Note. In the Sentencing Act 2020—*

(a) Schedule 5 deals with the breach, revocation and amendment of reparation orders;

(b) Schedule 7 deals with the breach, revocation and amendment of youth rehabilitation orders;

(c) Schedule 10 deals with the breach, revocation and amendment of community orders; and

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(**a**) S.I. 2014/3300.

(**b**) 1989 c. 37; section 14A was substituted, together with sections 14 and 14B–14J, for the existing sections 14–17, by section 1 of, and paragraphs 1 and 2 of Schedule 1 to, the Football (Disorder) Act 2000 (c. 25).

(**c**) 2014 c. 12; section 31 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(**d**) 2020 c. 17.

(**e**) 1959 c. 57; Schedule: Orders under section 1(2A) was inserted by section 17(1) and (4) of the Policing and Crime Act 2009 (c. 26).

(d) Schedule 16 deals with the breach or amendment of suspended sentence orders, and the effect of a further conviction.".

19. In Part 33 (Confiscation and related proceedings), in rule 33.59(5)(a) (Sums in the hands of receivers), for "section 31B of the Bankruptcy (Scotland) Act 1985(**a**)" substitute "section 82 of the Bankruptcy (Scotland) Act 2016(**b**)".

20. In Part 36 (Appeal to the Court of Appeal: general rules), in rule 36.8 (Duty of Crown Court officer), for paragraph (1) substitute—

"(1) The Crown Court officer must—

(a) where electronic arrangements have been made to receive and store information and documents for the Crown Court, as soon as practicable ensure that all such material is available to the Registrar in accordance with those arrangements; and

(b) provide the Registrar with any document, object or information for which the Registrar asks, within such period as the Registrar may require.".

21. In Part 37 (Appeal to the Court of Appeal against ruling at preparatory hearing)—

(a) in rule 37.3 (Form of appeal notice)—

(i) at the end of paragraph (2)(f) omit "and",

(ii) at the end of paragraph (2)(g)(v) insert "and include or attach an electronic link to each such document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and", and

(iii) after paragraph (2)(g) insert—

"(h) include or attach—

(i) an electronic copy of any authority identified under paragraph (2)(d), or

(ii) if two or more such authorities are identified, electronic copies of each together in a single electronic document."; and

(b) in rule 37.5 (Respondent's notice)—

(i) at the end of paragraph (5)(e) omit "and",

(ii) at the end of paragraph (5)(f) insert "and include or attach an electronic link to each such document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and", and

(iii) after paragraph (5)(f) insert—

"(g) include or attach—

(i) an electronic copy of any authority identified under paragraph (5)(d), or

(ii) if two or more such authorities are identified, electronic copies of each together in a single electronic document.".

22. In Part 38 (Appeal to the Court of Appeal against ruling adverse to prosecution)—

(a) in rule 38.4 (Form of appeal notice)—

(i) in paragraph (2)(g)(vi) for "; and" substitute "and include or attach an electronic link to each such document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer);",

(ii) renumber paragraph (2)(h) as (2)(i), and

(iii) after paragraph (2)(g) insert—

"(h) include or attach—

(i) an electronic copy of any authority identified under paragraph (2)(d), or

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(**a**) 1985 c. 66; the Act was repealed by section 237 of, and Schedule 9 to, the Bankruptcy (Scotland) Act 2016 (asp 21).
(**b**) 2016 asp 21.

(ii) if two or more such authorities are identified, electronic copies of each together in a single electronic document; and"; and

(b) in rule 38.7 (Respondent's notice)—

(i) at the end of paragraph (5)(e) omit "and",

(ii) at the end of paragraph (5)(f) insert "and include or attach an electronic link to each such document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and", and

(iii) after paragraph (5)(f) insert—

"(g) include or attach—

(i) an electronic copy of any authority identified under paragraph (5)(d), or

(ii) if two or more such authorities are identified, electronic copies of each together in a single electronic document.".

23. In Part 39 (Appeal to the Court of Appeal about conviction or sentence)—

(a) in rule 39.1 (When this Part applies)—

(i) in paragraph (1)(d), for "section 74(8) of the Serious Organised Crime and Police Act 2005(**a**)" substitute "section 389 of the Sentencing Act 2020(**b**)",

(ii) in the third paragraph of the note to the rule, for "section 82A of the Powers of Criminal Courts (Sentencing) Act 2000(**c**) or under section 269 of the 2003 Act(**d**)" substitute "section 321 of the 2020 Act", and

(iii) in the eighth paragraph of the note to the rule, for "section 74(8) of the Serious Organised Crime and Police Act 2005" substitute "section 389 of the 2020 Act";

(b) in rule 39.3 (Form of appeal notice)—

(i) at the end of paragraph (1)(e) omit "and",

(ii) at the end of paragraph (1)(f) insert "and include or attach an electronic link to each such document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and", and

(iii) after paragraph (1)(f) insert—

"(g) include or attach—

(i) an electronic copy of any authority identified by the grounds of appeal (see paragraph (2)(f)), or

(ii) if two or more such authorities are identified, electronic copies of each together in a single electronic document.";

(c) in rule 39.6 (Respondent's notice)—

(i) at the end of paragraph (6)(f) omit "and",

(ii) at the end of paragraph (6)(g) insert "and include or attach an electronic link to each such document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and", and

(iii) after paragraph (6)(g) insert—

"(h) include or attach—

(i) an electronic copy of any authority identified under paragraph (6)(e), or

(ii) if two or more such authorities are identified, electronic copies of each together in a single electronic document."; and

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(**a**) 2005 c. 15.
(**b**) 2020 c. 17.
(**c**) 2000 c. 6; section 82A was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).
(**d**) 2003 c. 44; section 269 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(d) in rule 39.8 (Application for bail, or to suspend a disqualification or order, pending appeal or retrial)—

(i) omit paragraph (4),

(ii) in the note to the rule, for the first paragraph substitute—

"*See section 19 of the Criminal Appeal Act 1968*(**a**) *and section 3(8) of the Bail Act 1976*(**b**). *An application about bail or about the conditions of bail may be made either by an appellant or respondent.*", and

(iii) in the note to the rule omit the fifth paragraph (which concerns the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014(**c**)).

24. In Part 40 (Appeal to the Court of Appeal about reporting or public access restriction)—

(a) in rule 40.3 (Form of appeal notice)—

(i) at the end of paragraph (2)(e) omit "and",

(ii) at the end of paragraph (2)(f) insert "and include or attach an electronic link to each such document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and", and

(iii) after paragraph (2)(f) insert—

"(g) include or attach—

(i) an electronic copy of any authority identified under paragraph (2)(d), or

(ii) if two or more such authorities are identified, electronic copies of each together in a single electronic document."; and

(b) in rule 40.6 (Respondent's notice on appeal against reporting restriction)—

(i) at the end of paragraph (6)(e) omit "and",

(ii) at the end of paragraph (6)(f) insert "and include or attach an electronic link to each such document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and", and

(iii) after paragraph (6)(f) insert—

"(g) include or attach—

(i) an electronic copy of any authority identified under paragraph (6)(d), or

(ii) if two or more such authorities are identified, electronic copies of each together in a single electronic document.".

25. In Part 41 (Reference to the Court of Appeal of point of law or unduly lenient sentencing)—

(a) in rule 41.3 (Form of notice of reference and application for permission), after paragraph (5) insert—

"(6) A notice of reference must include or attach—

(a) an electronic link to each material document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and

(b) an electronic copy of any authority identified under paragraph (2)(e) or (4)(c), or if two or more such authorities are identified then electronic copies of each together in a single electronic document."; and

(b) in rule 41.4 (Respondent's notice), after paragraph (5) insert—

(**a**) 1968 c. 19; section 19 was substituted by section 29 of the Criminal Justice Act 1982 (c. 48) and was amended by section 170 of, and paragraphs 20 and 26 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33), section 168 of, and paragraph 22 of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33) and section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(**b**) 1976 c. 63; section 3(8) was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45) and paragraph 48 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).

(**c**) S.I. 2014/3141.

"(6) A respondent's notice must include or attach—

(a) an electronic link to each material document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and

(b) an electronic copy of any authority identified under paragraph (4)(d), or if two or more such authorities are identified then electronic copies of each together in a single electronic document.".

26. In Part 44 (Reopening a case in a magistrates' court), in rule 44.2 (Statutory declaration of ignorance of proceedings)—

(a) in paragraph (2)(a)(i) for "15 business days" substitute "21 days";

(b) in paragraph (4)(b) for "this Part" substitute "Part 24 (Trial and sentence in a magistrates' court)"; and

(c) in each of paragraphs (4)(c)(iii), (5)(c)(i) and (6)(b) for "this Part" substitute "Part 24".

27. In Part 47 (Investigation orders and warrants)—

(a) in rule 47.1 (When this Part applies) for "47.62 and 47.66" substitute "and 47.63";

(b) in rule 47.5 (Exercise of court's powers), for paragraph (1)(b)(ii) substitute—

"(ii) any respondent,";

(c) in rule 47.6 (Application for order: general rules)—

(i) in paragraph (2)(e), after "respondent," insert "if any,",

(ii) in paragraph (2)(f), for "the respondent" substitute "any respondent",

(iii) in paragraph (3), for "the respondent" substitute "a respondent", and

(iv) in paragraph (4), for "the respondent" substitute "a respondent";

(d) in rule 47.7 (Application containing information withheld from a respondent or other person)—

(i) in paragraph (2)(b), for "the respondent" substitute "a respondent" and for "another person" substitute "other person", and

(ii) in paragraph (3)(a)(i), after "respondent" insert ", if any,";

(e) in rule 47.8 (Application to vary or discharge an order), in paragraph (1)(b) for "the respondent" substitute "a respondent";

(f) in rule 47.11 (Application for an order under the Terrorism Act 2000), in paragraph (2)(c) for "the respondent" substitute "any respondent";

(g) in rule 47.13 (Content of application for a disclosure order or further information order under the Terrorism Act 2000), in paragraph (1)(b) for "the respondent" substitute "a person";

(h) in rule 47.17 (Application for an order under the Proceeds of Crime Act 2002), in paragraph (2)(a)(i) for "the respondent" substitute "any respondent";

(i) in rule 47.20 (Content of application for a disclosure order or further information order under the Proceeds of Crime Act 2002), in paragraph (1)(a) for "the respondent" substitute "a person";

(j) in rule 47.24 (Section 3: Investigation warrants; When this Section applies), at the end of the note to the rule insert—

"*For a list of the types of investigation under Part 8 of the Proceeds of Crime Act 2002 and a list of the powers of judges in respect of each type, see the note to rule 47.4 (Section 2: Investigation orders; When this Section applies).*";

(k) omit Section 9 (European investigation orders), comprising rules 47.59 to 47.61 and the notes to those rules;

(l) renumber Section 10 and rules 47.62 to 47.65 as Section 9 and rules 47.59 to 47.62 respectively;

(m) in rule 47.59 as thus renumbered (When this Section applies), in the fourth paragraph of the note to the rule for "47.64" substitute "47.61";

(n) in rule 47.60 as thus renumbered (Exercise of court's powers), in paragraph (1) for "47.64" substitute "47.61";

(o) renumber Section 11 and rules 47.66 to 47.71 as Section 10 and rules 47.63 to 47.68 respectively;

(p) in rule 47.64 as thus renumbered (Exercise of court's powers), in paragraph (1)—

(i) in paragraph (4)(b), for "47.68" substitute "47.65", and

(ii) in paragraph (4)(c), for "47.69" substitute "47.66";

(q) in rule 47.65 as thus renumbered (Application for order), in the fourth paragraph of the note to the rule for "47.67(3)(b)" substitute "47.64(3)(b)";

(r) in rule 47.66 as thus renumbered (Application to vary or revoke an order)—

(i) in paragraph (4)(b) for "47.68(3)(a)" substitute "47.65(3)(a)",

(ii) in paragraph (4)(c) for "47.68(3)(j)" substitute "47.65(3)(j)";

(s) in rule 47.67 as thus renumbered (Application containing information withheld from a respondent or other person), in paragraph (1)—

(i) for "47.68" substitute "47.65",

(ii) for "47.69" substitute "47.66"; and

(t) amend the table of contents correspondingly.

28. In Part 49 (International co-operation)—

(a) omit rules 49.12 and 49.13, which concern the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014, and the notes to those rules;

(b) omit rules 49.14 to 49.17, which concern the Criminal Justice (European Investigation Order) Regulations 2017(**a**), and the notes to those rules; and

(c) amend the table of contents correspondingly.

29. In Part 50 (Extradition)—

(a) in rule 50.1 (When this Part applies), from the second paragraph of the note to the rule omit "including a Member State of the European Union";

(b) in rule 50.3 (Exercise of magistrates' court's powers), in paragraph (4)—

(i) in sub-paragraph (b)(iii), after "arrest" insert "with a warrant",

(ii) renumber sub-paragraphs (b)(iv) to (viii) as (b)(v) to (ix) respectively, and

(iii) after sub-paragraph (b)(iii) insert—

"(iv) following a provisional arrest without a warrant under Part 2 of the Act, pending receipt of evidence or information required by the court,";

(c) in rule 50.11 (Preliminary hearing after provisional arrest)—

(i) for paragraph (1) substitute—

"(1) This rule applies where a defendant is first brought before the court after arrest—

(a) under a provisional arrest warrant to which rule 50.10 applies; or

(b) under section 74A of the Extradition Act 2003(**b**), without a warrant.",

(ii) renumber paragraph (2) as paragraph (3),

(iii) after paragraph (1) insert—

"(2) Where paragraph (1)(b) applies the court must first—

(**a**) S.I. 2017/730.

(**b**) 2003 c. 41; section 74A was inserted by paragraphs 1 and 2 of the Schedule to the Extradition (Provisional Arrest) Act 2020 (c. 18).

(a) on the basis of such evidence or information as is produced to the court, decide whether a warrant to which rule 50.10 applies would be issued if the defendant were not already under arrest; and

(b) if no such warrant would be issued, order the defendant's discharge.",

(iv) for paragraph (3) as thus renumbered substitute—

"(3) Unless the court orders the defendant's discharge under paragraph (2), the court must—

(a) explain, in terms the defendant can understand (with help, if necessary)—

(i) the allegation in respect of which the defendant has been arrested, and

(ii) that the defendant may consent to extradition, and how that may be done and with what effect; and

(b) consider any ancillary application, including an application about bail pending receipt of the extradition request.", and

(v) in the note to the rule, for "See section 74 of the Extradition Act 2003(**a**)" substitute "See sections 74, 74A, 74B, 74C, 74D and 74E of the Extradition Act 2003(**b**)";

(d) in rule 50.12 (Arrangement of extradition hearing after provisional arrest), for paragraph (1)(a) substitute—

"(a) a request for extradition in respect of which a defendant has been arrested—

(i) under a provisional arrest warrant to which rule 50.10 applies, or

(ii) under section 74A of the Extradition Act 2003, without a warrant;";

(e) in rule 50.16 (Defendant's application to be discharged)—

(i) at the end of paragraph (1)(a)(ii) omit "or",

(ii) after paragraph (1)(a)(iii) insert—

"(iv) to give the defendant a copy of any certificate enabling provisional arrest without a warrant under section 74A of the 2003 Act as soon as practicable after arrest, or

(v) to bring the defendant before the court as soon as practicable after arrest under that section;",

(iii) renumber paragraphs (1)(b) and (c) as (1)(d) and (e) respectively,

(iv) after paragraph (1)(a) insert—

"(b) because of a defect in a certificate enabling arrest without a warrant under section 74A of the 2003 Act;

(c) because there were no reasonable grounds on which there could have been issued a certificate enabling arrest without a warrant under section 74A of the 2003 Act;",

(v) in paragraph (2)(a)(ii), for "(1)(b)(v)" substitute "(1)(d)(v)", and

(vi) in the note to the rule, after "74(5), (6) & (10)," insert "74D(10),"; and

(f) in the table of contents, for the heading "Discharge after failure to comply with a time limit" substitute "Discharge after failure to comply with a time limit, etc.".

30. Amend the following rules consequentially—

(a) in rule 2.2(4)(d) (temporary amendments in Part 14), for "rule 14.20" substitute "rule 14.18"; and

(b) in rule 22.7(2) (special measures for a witness where Part 22 applies), for "rule 18.3" substitute "rule 18.4".

(**a**) 2003 c. 41; section 74 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48).

(**b**) 2003 c. 41; sections 74B, 74C, 74D and 74E were inserted by paragraphs 1 and 2 of the Schedule to the Extradition (Provisional Arrest) Act 2020 (c. 18).

31. In the preamble to the Criminal Procedure Rules 2020, in sub-paragraph (b)—

(a) in the first column, headed "Rule", immediately after the entry for rule 24.14 insert "24.15" and in the second column, headed "Power", in the corresponding position insert "Section 86A(2) of the Courts Act 2003(**a**)"; and

(b) in the first column, headed "Rule", immediately after the entry for rule 25.16 insert "25.18" and in the second column, headed "Power", in the corresponding position insert "Section 86A(2) of the Courts Act 2003".

Burnett of Maldon, C.J.
Fulford, L.J.
Haddon-Cave, L.J.
William Davis, J.
Martin Picton
Martin Edmunds
Michael Snow
Louise Bryant
Nicola Hewer and Melissa Case
Suzanne Gadd
Max Hill
Alison Pople
Paul Jarvis
Folashade Abiodun
Edmund Smyth
Nicholas Ephgrave
David Kenyon
Jodie Blackstock

I allow these Rules, which shall come into force in accordance with rule 2.

Robert Buckland
Lord Chancellor

11th January 2021

(**a**) 2003 c. 39; section 86A was inserted by section 162 of the Policing and Crime Act 2016 (c. 3).

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Criminal Procedure Rules 2020, S.I. 2020/759, as follows:

Rule	*Amendment*
Part 1	Rule 1.1 is amended to include the treatment of participants with politeness and respect as part of the overriding objective of the Rules.
Part 3	Rule 3.3 is amended to require the parties to alert the court (i) to any impediment to the defendant's effective participation, and (ii) to any family proceedings related to the criminal case. Rule 3.5 is amended to refer to the criminal court's powers to seek information from, and to supply information to, a court dealing with family proceedings. Rules 3.16 and 3.21 are amended to remove the obligations to require the defendant's nationality at the beginning of cases in a magistrates' court and in the Crown Court: see also the amendments to rules 24.15 and 25.18.
Part 18	A new rule 18.3 and new rules 18.27 to 18.32 are added to govern the procedure where the court approves or appoints an intermediary for a witness or a defendant. The heading to Part 18, rules 18.1 to 18.7 as they are now, and the note at the end of Part 18, all are amended in consequence. Under rule 2.1(4)(e), rule 18.1 and rule 18.4, as they are now, already are temporarily amended and those temporary amendments also are adjusted in consequence.
Part 24	Rule 24.15 is amended to require the custodian of a defendant who, in a magistrates' court, receives a custodial sentence to obtain and record that defendant's nationality. See also the amendment to rule 3.16.
Part 25	Rule 25.18 is amended to require the custodian of a defendant who, in the Crown Court, receives a custodial sentence to obtain and record that defendant's nationality. See also the amendment to rule 3.21.
Part 36	Rule 36.8 is amended to require the Crown Court officer to make available to the Registrar of Criminal Appeals information and documents that have been received and stored electronically.
Part 37	Rule 37.3 is amended to require the appellant to include in the appeal notice electronic links to relevant documents. Rule 37.5 is amended to require the respondent to include such links in the respondent's notice.
Part 38	Rule 38.4 is amended to require the appellant to include in the appeal notice electronic links to relevant documents. Rule 38.7 is amended to require the respondent to include such links in the respondent's notice.
Part 39	Rule 39.3 is amended to require the appellant to include in the appeal notice electronic links to relevant documents. Rule 39.6 is amended to require the respondent to include such links in the respondent's notice.
Part 40	Rule 40.3 is amended to require the appellant to include in the appeal notice electronic links to relevant documents. Rule 40.6 is amended to require the respondent to include such links in the respondent's notice.

Part 41	Rule 41.3 is amended to require the appellant to include in the appeal notice electronic links to relevant documents. Rule 41.4 is amended to require the respondent to include such links in the respondent's notice.
Part 47	Rules 47.5, 47.6, 47.7, 47.8, 47.11, 47.13, 47.17 and 47.20 are amended more clearly to allow for the possibility of there being no respondent to an application for a disclosure order.
Part 50	Rules 50.3, 50.11, 50.12 and 50.16 are amended to provide for the amendments to the Extradition Act 2003 made by the Extradition (Provisional Arrest) Act 2020.

Amendments consequent on the Sentencing Act 2020. The following rules and notes to rules ('n') are amended to substitute references to provisions of the Sentencing Act 2020 for references to provisions that that Act supersedes: 9.8(n), 9.11(n), 9.13(n), 24.1(n), 24.11(n), 25.2, 25.2(n), 25.16(n), 28.1(n), 28.2(n), 28.4(n), 28.5(n), 28.7(n), 28.8(n), 28.10(n), 28.11(n), 29.3(n), 30.5, 30.5(n), 31.1(n), 31.2(n), 31.3(n), 32.1, 32.1(n), 39.1 and 39.1(n).

Amendments consequent on the Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 and the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019. The following rules and notes to rules ('n') are omitted or amended to remove provisions that supplement or refer to legislation repealed or revoked by those Regulations: 14.1, 14.2(n), 14.7(n), 14.16, 14.17, Part 14(n), 18.24, 18.25, Part 18(n), 21.2(n), 30.10, 31.1, 31.2, 31.9, 31.10, 39.8, 47.1, 47.59 to 47.61, 49.12 to 49.17, 50.1. Those Regulations include transitional and saving provisions the effect of which is that in some circumstances legislation which the Criminal Procedure Rules 2020 supplement is preserved. Therefore rule 3 of these Amendment Rules includes a corresponding transitional and saving provision.

Correction of errors, etc. Rules 33.59 and 44.2 are amended to correct errors that they contain. The note to rule 47.24 is amended to include a reference to the powers of different judges under the Proceeds of Crime Act 2002.

Amendments consequent on other amendments. The following other rules and notes to rules ('n') are amended in consequence of the other amendments listed above: 2.2, 3.8(n), 22.7.

The following come into force on 8th February 2021—

(a) the amendment in Part 1 to the overriding objective;

(b) the amendments in Parts 3, 24 and 25 to the rules about obtaining a defendant's nationality;

(c) the amendments in Part 47 that apply to applications for disclosure orders;

(d) the amendments in Part 50 that supplement the Extradition (Provisional Arrest) Act 2020;

(e) the amendments consequent on the Sentencing Act 2020;

(f) the amendments consequent on the Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 and the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019; and

(g) the amendments that correct errors.

The following come into force on 5th April 2021—

(a) the amendments in Part 3 about (i) the parties' duties and (ii) the exchange of information with courts dealing with related family proceedings;

(b) the amendments in Part 18 about intermediaries; and

(c) the amendments in Parts 36, 37, 38, 39, 40 and 41 about electronic links to documents for the Court of Appeal.

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