

2010 No. 3026 (L. 19)

SENIOR COURTS OF ENGLAND AND WALES
MAGISTRATES' COURTS, ENGLAND AND WALES

The Criminal Procedure (Amendment No. 2) Rules 2010

Made - - - - 20th December 2010

Laid before Parliament 23rd December 2010

Coming into force - - 4th April 2011

The Criminal Procedure Rule Committee makes the following Rules under section 69 of the Courts Act 2003(a), after consulting in accordance with section 72(1)(a) of that Act, and under section 19 of the Criminal Procedure and Investigations Act 1996(b).

Citation, commencement and interpretation

1. These Rules may be cited as The Criminal Procedure (Amendment No. 2) Rules 2010 and shall come into force on 4th April 2011.

2. In these Rules, a reference to a Part or rule by number alone means the Part or rule so numbered in The Criminal Procedure Rules 2010(c).

Amendments to the Criminal Procedure Rules 2010

3. In Part 4 (Service of documents)—

- (a) in the table of contents, for the title to rule 4.7, substitute ‘Documents that must be served by specified methods’;
- (b) for rule 4.7 (Documents that must be served only by handing them over, leaving or posting them), and the heading to that rule, substitute—

“Documents that must be served by specified methods

4.7.—(1) The documents listed in paragraph (2) may be served—

- (a) on an individual, only under rule 4.3(1)(a) (handing over) or rule 4.4(1) and (2)(a) (leaving or posting); and
- (b) on a corporation, only under rule 4.3(1)(b) (handing over) or rule 4.4(1) and (2)(b) (leaving or posting);

(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).

(b) 1996 c. 25; section 19 was amended by section 109 of, and paragraph 377 of Schedule 8 to, the Courts Act 2003 (c. 39), section 331 of, and paragraphs 20 and 34 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44) and section 15 of, and paragraph 251 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4).

(c) S.I. 2010/60, amended by S.I. 2010/1921.

(2) Those documents are—

- (a) a summons, requisition or witness summons;
- (b) notice of an order under section 25 of the Road Traffic Offenders Act 1988(a);
- (c) a notice of registration under section 71(6) of that Act(b);
- (d) notice of a hearing to review the postponement of the issue of a warrant of detention or imprisonment under section 77(6) of the Magistrates' Courts Act 1980(c);
- (e) notice under section 86 of that Act(d) of a revised date to attend a means inquiry;
- (f) any notice or document served under Part 19 (Bail in magistrates' courts and the Crown Court);
- (g) notice under rule 37.15(a) of when and where an adjourned hearing will resume;
- (h) notice under rule 42.5(3) of an application to vary or discharge a compensation order;
- (i) notice under rule 42.10(2)(c) of the location of the sentencing or enforcing court;
- (j) a collection order, or notice requiring payment, served under rule 52.2(a).

(3) An application or written statement, and notice, under rule 62.9 alleging contempt of court may be served—

- (a) on an individual, only under rule 4.3(1)(a) (by handing it to him or her);
- (b) on a corporation, only under rule 4.3(1)(b) (by handing it to a person holding a senior position in that corporation).”; and

(c) for rule 4.9(1) (Service by another method), substitute—

“4.9.—(1) The court may allow service of a document by a method—

- (a) other than those described in rules 4.3 to 4.6 and in rule 4.8;
- (b) other than one specified by rule 4.7, where that rule applies.”.

4. For Part 8 (Objecting to the discontinuance of proceedings in a magistrates' court), substitute the Part as set out in Schedule 1 to these Rules.

5. In the note to rule 15.1 (Application for a preparatory hearing), omit the last sentence.

6. In Part 22 (Disclosure)—

(a) for rule 22.4 (Defence disclosure), and the note to that rule, substitute—

“22.4.—(1) This rule applies where—

- (a) under section 5(e) or 6 of the Criminal Procedure and Investigations Act 1996(f), the defendant gives a defence statement;
- (b) under section 6C of the 1996 Act(g), the defendant gives a defence witness notice.

(a) 1988 c. 53; section 25 was amended by section 90 of, and paragraphs 140 and 142 of Schedule 13 to, the Access to Justice Act 1999 (c. 22), section 165 of, and paragraph 118 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and section 109 of, and paragraph 311 of Schedule 8 to, the Courts Act 2003 (c. 39).

(b) 1988 c. 53; section 71(6) was amended by section 109 of, and paragraph 317 of Schedule 8 to, the Courts Act 2003 (c. 39).

(c) 1980 c. 43; section 77(6) was substituted by section 109 of, and paragraph 218 of Schedule 8 to, the Courts Act 2003 (c. 39).

(d) 1980 c. 43; section 86 was amended by section 51(2) of the Criminal Justice Act 1982 (c. 48) and section 97(3) of the Access to Justice Act 1999 (c. 22).

(e) 1996 c. 25; section 5 was amended by sections 331 and 332 of, and paragraphs 20 and 23 of Schedule 36 and Part 3 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44). It was further amended by section 119 of, and paragraph 126 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37) and sections 33 and 41 of, and paragraph 66 of Schedule 3 and Part 3 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44) in respect of certain proceedings only. It is further amended by sections 33, 41, and 332 of, and paragraph 66 of Schedule 3 and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(f) 1996 c. 25; section 6(3) was repealed by paragraphs 20 and 24 of Schedule 36 and Part 3 of Schedule 37 to the Criminal Justice Act 2003 (c. 44.) For transitional provisions and savings, see paragraph (2) of Schedule 2 to S.I. 2005/950.

(g) 1996 c. 25; section 6C was inserted by section 34 of the Criminal Justice Act 2003 (c. 44).

- (2) The defendant must serve such a statement or notice on—
- (a) the court officer; and
 - (b) the prosecutor.

[*Note. The Practice Direction sets out forms of—*

- (a) *defence statement; and*
- (b) *defence witness notice.*

Under section 5 of the 1996 Act, in the Crown Court the defendant must give a defence statement. Under section 6 of the Act, in a magistrates' court the defendant may give such a statement but need not do so.

Under section 6C of the 1996 Act, in the Crown Court and in magistrates' courts the defendant must give a defence witness notice indicating whether he or she intends to call any witnesses (other than him or herself) and, if so, identifying them.]”;

- (b) for rule 22.8 (Unauthorised use of disclosed material), substitute—

“**22.8.**—(1) This rule applies where a person is accused of using disclosed prosecution material in contravention of section 17 of the Criminal Procedure and Investigations Act 1996**(a)**.

(2) A party who wants the court to exercise its power to punish that person for contempt of court must comply with the rules in Part 62 (Contempt of court).

(3) The court must not exercise its power to forfeit material used in contempt of court unless—

- (a) the prosecutor; and
- (b) any other person directly affected by the disclosure of the material,

is present, or has had at least 14 days in which to make representations.”;

- (c) in the note to rule 22.8 (Unauthorised use of disclosed material), omit the final paragraph;
- (d) in rule 22.9 (Court’s power to vary requirements under this Part), in paragraph (b), after ‘defence statement’, insert ‘, or a defence witness notice,’; and
- (e) in the ‘Summary of disclosure requirements of Criminal Procedure and Investigations Act 1996’ at the end of Part 22 (Disclosure), in the section headed ‘Defence disclosure’—
 - (i) for the first paragraph substitute—

“Under section 5 of the 1996 Act, in the Crown Court the defendant must give a defence statement. Under section 6 of the Act, in a magistrates' court the defendant may give such a statement but need not do so.

Under section 6C of the 1996 Act, in the Crown Court and in magistrates' courts the defendant must give a defence witness notice indicating whether he or she intends to call any witnesses (other than him or herself) and, if so, identifying them.”;

- (ii) for the last two paragraphs, beginning ‘*Under section 11 of the 1996 Act***(b)**,’ substitute—

*“The time for service of a defence witness notice is prescribed by section 12 of the 1996 Act***(c)** and by the Criminal Procedure and Investigations Act 1996 (Notification of Intention to Call Defence Witnesses) (Time Limits) Regulations 2010**(d)**. It is not more than 14 days

(a) 1996 c. 25; section 17 was amended by section 331 of, and paragraphs 20 and 33 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44).

(b) 1996 c. 25; section 11 was substituted by section 39 of the Criminal Justice Act 2003 (c. 44) and amended by section 60(2) of the Criminal Justice and Immigration Act 2008 (c. 4).

(c) 1996 c. 25; section 12 was amended by sections 331 of, and paragraphs 20 and 28 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44).

(d) S.I. 2010/214.

after the prosecutor discloses material under section 3 of the 1996 Act^(a), or serves notice that there is no such material to disclose.

A defence witness notice that identifies any proposed defence witness (other than the defendant) must—

- (a) give the name, address and date of birth of each such witness, or as many of those details as are known to the defendant when the notice is given;
- (b) provide any information in the defendant's possession which might be of material assistance in identifying or finding any such witness in whose case any of the details mentioned in paragraph (a) are not known to the defendant when the notice is given; and
- (c) amend any earlier such notice, if the defendant—
 - (i) decides to call a person not included in an earlier notice as a proposed witness,
 - (ii) decides not to call a person so included, or
 - (iii) discovers any information which the defendant would have had to include in an earlier notice, if then aware of it.

Under section 11 of the 1996 Act, if a defendant—

- (a) fails to disclose what the Act requires;
- (b) fails to do so within the time prescribed;
- (c) at trial, relies on a defence, or facts, not mentioned in the defence statement;
- (d) at trial, introduces alibi evidence without having given in the defence statement—
 - (i) particulars of the alibi, or
 - (ii) the details of the alibi witness, or witnesses, required by the Act; or
- (e) at trial, calls a witness not identified in a defence witness notice,

then the court or another party at trial may comment on that, and the court may draw such inferences as appear proper in deciding whether the defendant is guilty.

Under section 6E(2) of the 1996 Act^(b), if before trial in the Crown Court it seems to the court that section 11 may apply, then the court must warn the defendant.”.

7. In rule 35.2(1)(b) (Content of application or notice), for ‘; and’, substitute ‘.’.

8. In Part 42 (Sentencing procedures in special cases)—

- (a) in the table of contents, for the title to rule 42.3, substitute ‘Notification requirements’;
- (b) for rule 42.3 (Defendant’s duty to notify information to police), and the heading and note to that rule, substitute—

“Notification requirements

42.3.—(1) This rule applies where, on a conviction, sentence or order, legislation requires the defendant—

- (a) to notify information to the police; or
- (b) to be included in a barred list.

(2) The court must tell the defendant that such requirements apply, and under what legislation.

(a) 1996 c. 25; section 3 was amended by section 82 of, and paragraph 7 of Schedule 4 to, the Regulation of Investigatory Powers Act 2000 (c. 23) and section 32 and section 331 of, and paragraphs 20 and 21 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44).

(b) 1996 c. 25; section 6E was inserted by section 36 of the Criminal Justice Act 2003 (c. 44).

[Note. For the circumstances in which a defendant is required to notify information to the police, see—

- (a) Part 2 of, and Schedule 3 to, the Sexual Offences Act 2003(a) (notification after conviction of a specified sexual offence for which a specified sentence is imposed);
- (b) Part 4 of the Counter Terrorism Act 2008(b) (notification after conviction of a specified offence of, or connected with, terrorism, for which a specified sentence is imposed).

For the circumstances in which a defendant will be included in a barred list, see paragraphs 1, 2, 7, 8 and 24 of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006(c). See also paragraph 25 of that Schedule(d).

These requirements are not part of the court's sentence.]"; and

- (c) in the note to rule 42.8 (Requests for medical reports, etc)—

- (i) for paragraph (f), substitute—

“(f) section 157 of the Criminal Justice Act 2003(e), under which the court must usually obtain and consider a medical report before passing a custodial sentence if the defendant is, or appears to be, mentally disordered;

(g) section 207 of the 2003 Act(f) (in the case of a defendant aged 18 or over), or section 1(1)(k) of the Criminal Justice and Immigration Act 2008(g) (in the case of a defendant who is under 18), under which the court may impose a mental health treatment requirement.”;

- (ii) in the fourth paragraph from the end of the note, after ‘the purposes of (f)’, insert ‘and (g)’.

9. For Part 62 (Contempt of court), substitute the Part as set out in Schedule 2 to these Rules.

10. In rule 68.7(1) (Adaptation of rules about introducing evidence)—

- (a) in paragraph (a), for ‘(special measures directions)’, substitute ‘(measures to assist a witness or defendant to give evidence)’;
- (b) omit paragraph (b); and
- (c) re-number paragraphs (c) to (e), as paragraphs (b) to (d).

11. In the note to rule 76.7 (Costs on an application)—

- (a) at the end of paragraph (c), omit ‘and’;
- (b) at the end of paragraph (d), after ‘1965’, insert ‘; and’; and
- (c) insert at the appropriate place—

“(e) section 4(7) of the Dangerous Dogs Act 1991(h).”.

12. In the preamble to The Criminal Procedure Rules 2010—

- (a) in the first column, headed ‘Rule’, insert, in the appropriate place, ‘62.16’; and

(a) 2003 c. 42; Schedule 3 was amended by article 2 of S.I. 2007/296, section 63(2) of, and paragraph 63 of Schedule 6 to, the Serious Crimes Act 2007 (c. 27), section 148(1) of, and paragraphs 53 and 58 of Schedule 26 to, the Criminal Justice and Immigration Act 2008 (c. 4) and section 177(1) of, and paragraph 62 of Schedule 21 to, the Coroners and Justice Act 2009 (c. 25). Other amendments to Schedule 3 are not relevant to these Rules.

(b) 2008 c. 28.

(c) 2006 c. 47; paragraphs 1, 2, 7 and 8 of Schedule 3 were amended by section 89 of the Policing and Crime Act 2009 (c. 26), paragraph 2 was also amended by section 81 of the 2009 Act. Paragraph 24 was amended by article 2 of S.I. 2008/3050.

(d) 2006 c. 47; paragraph 25 of Schedule 3 was amended by article 3 of S.I. 2008/3050 and section 81 of the Policing and Crime Act 2009 (c. 26).

(e) 2003 c. 44.

(f) 2003 c. 44; section 207 was amended by article 4(2) of, and paragraph 7 of Schedule 5 to, S.I. 2009/1182 and article 14(a) and (b) of, and Part 1 of Schedule 5 to, S.I. 2010/813.

(g) 2008 c. 4.

(h) 1991 c. 65.

(b) in the second column, headed 'Power', insert, beside '62.16', 'Section 19 of the Criminal Procedure and Investigations Act 1996(a)'.

13. In the Arrangement of Rules contained in The Criminal Procedure Rules 2010, for the entry for Part 8 (Objecting to the discontinuance of proceedings in a magistrates' court), substitute 'Discontinuing a prosecution'.

Judge, C.J.

Hooper, L.J.

Thomas, L.J.

Openshaw, J.

Charles Wide

Roderick Denyer

Stephen Dawson

Nicholas Moss

Tessa Szagun

Keir Starmer

Patrick Gibbs

Tom Little

Michael Caplan

Derek French

James Barker-McCardle

Jeremy Corbett

James Riches

I allow these Rules, which shall come into force on 4th April 2011.

20th December 2010

Kenneth Clarke
Lord Chancellor

(a) 1996 c. 25; section 19 was amended by section 109 of, and paragraph 377 of Schedule 8 to, the Courts Act 2003 (c. 39), section 331 of, and paragraphs 20 and 34 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44) and section 15 of, and paragraph 251 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4).

“PART 8

DISCONTINUING A PROSECUTION

Contents of this Part

When this Part applies	rule 8.1
Discontinuing a case	rule 8.2
Defendant’s notice to continue	rule 8.3

When this Part applies

8.1.—(1) This Part applies where—

- (a) the Director of Public Prosecutions, or the Director of Revenue and Customs Prosecutions, can discontinue a case in a magistrates’ court, under section 23 of the Prosecution of Offences Act 1985(a);
- (b) the Director of Public Prosecutions, or another public prosecutor, can discontinue a case sent for trial in the Crown Court, under section 23A of the Prosecution of Offences Act 1985(b).

(2) In this Part, ‘prosecutor’ means one of those authorities.

[Note. Under section 23 of the Prosecution of Offences Act 1985, the Director of Public Prosecutions may discontinue proceedings in a magistrates’ court, before the court—

- (a) commits or sends the defendant for trial in the Crown Court; or*
- (b) begins to hear the prosecution evidence, at a trial in the magistrates’ court.*

Under section 23(4) of the 1985 Act, the Director may discontinue proceedings where a person charged is in custody but has not yet been brought to court.

Under section 36 of the Commissioners for Revenue and Customs Act 2005(c), and under section 38 of the Serious Organised Crime and Police Act 2005(d), the Director of Revenue and Customs Prosecutions has the same powers.

Under section 23 of the 1985 Act, the defendant has a right to require the proceedings to continue. See rule 8.4.

Under section 23A of the 1985 Act, the Director of Public Prosecutions, or a public authority within the meaning of section 17 of that Act(e), may discontinue proceedings

-
- (a) 1985 c. 23; section 23 was amended by section 119 of, and paragraph 63 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37), paragraph 290 of Schedule 8 to the Courts Act 2003 (c. 39) and section 41 of, and paragraph 57 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44). The amendment made by section 41 of the Criminal Justice Act 2003 is in force for certain purposes, for remaining purposes it has effect from a date to be appointed. The amendment made by the Crime and Disorder Act 1998 is also in force only for certain purposes.
 - (b) 1985 c. 23; section 23A was inserted by section 119 of, and paragraph 64 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37) and amended by sections 41 and 332 of, and paragraph 57(1) and 57(7)(a) and (7)(b) of Schedule 3 and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44). The amendment made by section 41 of, and paragraph 57(1) and 57(7)(b) of Schedule 3 to the Criminal Justice Act 2003, is in force for certain purposes, for remaining purposes it has effect from a date to be appointed. The amendment made by the Crime and Disorder Act 1998 is also in force only for certain purposes.
 - (c) 2005 c. 11.
 - (d) 2005 c. 15.
 - (e) 1985 c. 23; section 17 was amended by section 40 of, and paragraph 41 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4).

where the defendant was sent for trial in the Crown Court under section 51 of the Crime and Disorder Act 1998(a). In such a case—

- (a) the prosecutor must discontinue before a draft indictment has been served under rule 14.1; and
- (b) the defendant has no right to require the proceedings to continue.

Where a prosecution does not proceed, the court has power to order the payment of the defendant's costs out of central funds. See rule 76.4.]

Discontinuing a case

8.2.—(1) A prosecutor exercising a power to which this Part applies must serve notice on—

- (a) the court officer;
- (b) the defendant; and
- (c) any custodian of the defendant.

(2) Such a notice must—

- (a) identify—
 - (i) the defendant and each offence to which the notice relates,
 - (ii) the person serving the notice, and
 - (iii) the power that that person is exercising;
- (b) explain—
 - (i) in the copy of the notice served on the court officer, the reasons for discontinuing the case,
 - (ii) that the notice brings the case to an end,
 - (iii) if the defendant is in custody for any offence to which the notice relates, that the defendant must be released from that custody, and
 - (iv) if the notice is under section 23 of the 1985 Act, that the defendant has a right to require the case to continue.

(3) Where the defendant is on bail, the court officer must notify—

- (a) any surety; and
- (b) any person responsible for monitoring or securing the defendant's compliance with a condition of bail.

Defendant's notice to continue

8.3.—(1) This rule applies where a prosecutor serves a notice to discontinue under section 23 of the 1985 Act.

(2) A defendant who wants the case to continue must serve notice—

- (a) on the court officer; and
- (b) not more than 35 days after service of the notice to discontinue.

(3) If the defendant serves such a notice, the court officer must—

- (a) notify the prosecutor; and
- (b) refer the case to the court.”

(a) 1998 c. 37; section 51 is substituted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44). The amendment is in force for certain purposes (see S.I. 2005/950) and for remaining purposes, it is in force from a date to be appointed. It was amended by paragraph 1 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4).

“PART 62
CONTEMPT OF COURT

Contents of this Part**Section 1: general rules**

When this Part applies	rule 62.1
Exercise of court’s power to deal with contempt of court	rule 62.2
Notice of suspension of imprisonment by Court of Appeal or Crown Court	rule 62.3
Application to discharge an order for imprisonment	rule 62.4

Section 2: contempt of court by obstruction, disruption, etc.

Initial procedure on obstruction, disruption, etc.	rule 62.5
Review after temporary detention	rule 62.6
Postponement of enquiry	rule 62.7
Procedure on enquiry	rule 62.8

Section 3: contempt of court by failure to comply with court order, etc.

Initial procedure on failure to comply with court order, etc.	rule 62.9
Procedure on hearing	rule 62.10
Introduction of written witness statement or other hearsay	rule 62.11
Content of written witness statement	rule 62.12
Content of notice of other hearsay	rule 62.13
Cross-examination of maker of written witness statement or other hearsay	rule 62.14
Credibility and consistency of maker of written witness statement or other hearsay	rule 62.15
Magistrates’ courts’ powers to adjourn, etc.	rule 62.16
Court’s power to vary requirements under Section 3	rule 62.17

SECTION 1: GENERAL RULES

When this Part applies

62.1.—(1) This Part applies where the court can deal with a person for conduct—

- (a) in contempt of court; or
- (b) in contravention of the legislation to which rules 62.5 and 62.9 refer.

(2) In this Part, ‘respondent’ means any such person.

[Note. For the court’s powers to punish for contempt of court, see the notes to rules 62.5 and 62.9.]

Exercise of court’s power to deal with contempt of court

62.2.—(1) The court must determine at a hearing—

- (a) an enquiry under rule 62.8;
- (b) an allegation under rule 62.9.

(2) The court must not proceed in the respondent’s absence unless—

- (a) the respondent’s behaviour makes it impracticable to proceed otherwise; or

- (b) the respondent has had at least 14 days' notice of the hearing, or was present when it was arranged.
- (3) If the court hears part of an enquiry or allegation in private, it must announce at a hearing in public—
- (a) the respondent's name;
 - (b) in general terms, the nature of any conduct that the respondent admits, or the court finds proved; and
 - (c) any punishment imposed.

Notice of suspension of imprisonment by Court of Appeal or Crown Court

- 62.3.**—(1) This rule applies where—
- (a) the Court of Appeal or the Crown Court suspends an order of imprisonment for contempt of court; and
 - (b) the respondent is absent when the court does so.
- (2) The respondent must be served with notice of the terms of the court's order—
- (a) by any applicant under rule 62.9; or
 - (b) by the court officer, in any other case.

[Note. By reason of sections 15 and 45 of the Senior Courts Act 1981(a), the Court of Appeal and the Crown Court each has an inherent power to suspend imprisonment for contempt of court, on conditions, or for a period, or both.]

Application to discharge an order for imprisonment

- 62.4.**—(1) This rule applies where the court can discharge an order for a respondent's imprisonment for contempt of court.
- (2) A respondent who wants the court to discharge such an order must—
- (a) apply in writing, unless the court otherwise directs, and serve any written application on—
 - (i) the court officer, and
 - (ii) any applicant under rule 62.9 on whose application the respondent was imprisoned;
 - (b) in the application—
 - (i) explain why it is appropriate for the order for imprisonment to be discharged, and
 - (ii) give details of any appeal, and its outcome; and
 - (c) ask for a hearing, if the respondent wants one.

[Note. By reason of sections 15 and 45 of the Senior Courts Act 1981, the Court of Appeal and the Crown Court each has an inherent power to discharge an order for a respondent's imprisonment for contempt of court in failing to comply with a court order.

Under section 97(4) of the Magistrates' Courts Act 1980(b), a magistrates' court can discharge an order for imprisonment if the respondent gives evidence.

(a) 1981 c. 54.

(b) 1980 c. 43; section 97(4) was amended by sections 13 and 14 of, and paragraph 7 of Schedule 2 to, the Contempt of Court Act 1981 (c. 47) and section 17 of, and paragraph 6 of Schedule 3 and Part I of Schedule 4 to, the Criminal Justice Act 1991 (c. 53).

Under section 12(4) of the Contempt of Court Act 1981(a), a magistrates' court can discharge an order for imprisonment made under that section.]

SECTION 2: CONTEMPT OF COURT BY OBSTRUCTION, DISRUPTION, ETC.

Initial procedure on obstruction, disruption, etc.

- 62.5.**—(1) This rule applies where the court observes, or someone reports to the court—
- (a) in the Court of Appeal or the Crown Court, obstructive, disruptive, insulting or intimidating conduct, in the courtroom or in its vicinity, or otherwise immediately affecting the proceedings;
 - (b) in the Crown Court, a contravention of—
 - (i) section 3 of the Criminal Procedure (Attendance of Witnesses) Act 1965(b) (disobeying a witness summons);
 - (ii) section 20 of the Juries Act 1974(c) (disobeying a jury summons);
 - (iii) section 8 of the Contempt of Court Act 1981(d) (obtaining details of a jury's deliberations, etc.);
 - (c) in a magistrates' court, a contravention of—
 - (i) section 97(4) of the Magistrates' Courts Act 1980 (refusing to give evidence), or
 - (ii) section 12 of the Contempt of Court Act 1981(e) (insulting or interrupting the court, etc.);
 - (d) a contravention of section 9 of the Contempt of Court Act 1981(f) (without the court's permission, recording the proceedings, etc.);
 - (e) any other conduct with which the court can deal as, or as if it were, a criminal contempt of court, except failure to surrender to bail under section 6 of the Bail Act 1976(g).
- (2) Unless the respondent's behaviour makes it impracticable to do so, the court must—
- (a) explain, in terms the respondent can understand (with help, if necessary)—
 - (i) the conduct that is in question,
 - (ii) that the court can impose imprisonment, or a fine, or both, for such conduct,
 - (iii) (where relevant) that the court has power to order the respondent's immediate temporary detention, if in the court's opinion that is required,
 - (iv) that the respondent may explain the conduct,
 - (v) that the respondent may apologise, if he or she so wishes, and that this may persuade the court to take no further action, and

(a) 1981 c. 49.

(b) 1965 c. 69; section 3 was amended by section 56 of, and Part IV of Schedule 11 to, the Courts Act 1971 (c. 23) and sections 65 and 66 of the Criminal Procedure and Investigations Act 1996 (c. 25).

(c) 1974 c. 23; section 20 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), section 170(1) of, and paragraph 46 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33), paragraph 28 of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33) and paragraphs 1 and 14 of Schedule 33 to, the Criminal Justice Act 2003 (c. 44).

(d) 1981 c. 49.

(e) 1981 c. 49; section 12 was amended by section 78 of, and Schedule 16 to, the Criminal Justice Act 1982 (c. 48), section 17(3) of, and Part I of Schedule 4 to, the Criminal Justice Act 1991 (c. 53); section 65(3) and (4) of, and paragraph 6(4) of Schedule 3 to, the Criminal Justice Act 1993 (c. 36) and section 165 of, and paragraph 83 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

(f) 1981 c. 49.

(g) 1976 c. 63; section 6 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), section 109 of, and paragraph 184 of Schedule 8 to, the Courts Act 2003 (c. 39) and sections 15 and 41 of, and paragraphs 48(1) and 48(4) of Schedule 3 to, the Criminal Justice Act 2003 (c. 44). The amendments made by Schedule 3 of the 2003 Act are in force in relation to certain cases only, and for remaining purposes will take effect from a date to be appointed.

- (vi) that the respondent may take legal advice; and
 - (b) allow the respondent a reasonable opportunity to reflect, take advice, explain and, if he or she so wishes, apologise.
- (3) The court may then—
- (a) take no further action in respect of that conduct;
 - (b) enquire into the conduct there and then; or
 - (c) postpone that enquiry (if a magistrates' court, only until later the same day).

[Note. By reason of sections 15 and 45 of the Senior Courts Act 1981, the Court of Appeal and the Crown Court each has an inherent power to imprison (for a maximum of 2 years), or fine (to an unlimited amount), or both, a respondent for contempt of court for the conduct listed in paragraph (1)(a), (b), (d) or (e). See also section 14 of the Contempt of Court Act 1981(a).

Under section 97(4) of the Magistrates' Courts Act 1980, and under sections 12 and 14 of the Contempt of Court Act 1981, a magistrates' court can imprison (for a maximum of 1 month), or fine (to a maximum of £2,500), or both, a respondent who contravenes a provision listed in paragraph (1)(c) or (d). Section 12(1) of the 1981(b) Act allows the court to "deal with any person who—

- (a) wilfully insults the justice or justices, any witness before or officer of the court or any solicitor or counsel having business in the court, during his or their sitting or attendance in court or in going to or returning from the court; or*
- (b) wilfully interrupts the proceedings of the court or otherwise misbehaves in court."*

Under section 89 of the Powers of Criminal Courts (Sentencing) Act 2000(c), no respondent who is under 21 may be imprisoned for contempt of court. Under section 108 of that Act(d), a respondent who is at least 18 but under 21 may be detained if the court is of the opinion that no other method of dealing with him or her is appropriate. Under section 14(2A) of the Contempt of Court Act 1981(e), a respondent who is under 17 may not be ordered to attend an attendance centre.

Under section 258 of the Criminal Justice Act 2003(f), a respondent who is imprisoned for contempt of court must be released unconditionally after serving half the term.

Under section 12 of the Access to Justice Act 1999(g), the respondent may receive advice and representation funded by the Legal Services Commission in "proceedings for contempt committed, or alleged to have been committed, by an individual in the face of the court".

-
- (a) 1981 c. 49; section 14 was amended by section 65(1) of, and paragraphs 59 and 60 of Schedule 3 to, the Mental Health (Amendment) Act 1982 (c. 51), section 148 of, and paragraph 57 of Schedule 4 to, the Mental Health Act 1983 (c. 20), section 17(3) of, and Parts 1 and V of Schedule 4 to, the Criminal Justice Act 1991 (c. 53), section 65(3) and (4) of, and paragraph 6(5) of Schedule 3 to, the Criminal Justice Act 1993 (c. 36), section 165(1) of, and paragraph 84 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 1(4) of, and paragraph 19 of Schedule 1 to, the Mental Health Act 2007 (c. 12) and it is amended by sections 6(2) and 149 of, and paragraph 25 of Schedule 4 and Part 1 of Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4), with effect from a date to be appointed.
 - (b) 1981 c. 49.
 - (c) 2000 c. 6; section 89 is amended by section 74 of, and paragraphs 160 and 180 of Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43), with effect from a date to be appointed. It was amended by paragraph 74(3)(b) of Schedule 3 of, the Criminal Justice Act 2003 (c. 44) with effect from 9 May, 2005, in relation to cases sent for trial under section 51A(3) of the Crime and Disorder Act 1998 (c. 37). It is also amended by paragraph 74(3)(a) of the 2003 Act, with effect from a date to be appointed.
 - (d) 2000 c. 6; section 108 is repealed by sections 74 and 74 of, and paragraphs 160 and 188 of Schedule 8 to, the Criminal Justice and Court Services Act 2000 (c. 43), with effect from a date to be appointed.
 - (e) 1981 c. 49. There are two sub-section (2A)s. The first is relevant. It was inserted by section 77 of, and paragraph 60 of Schedule 14 to, the Criminal Justice Act 1982 (c. 48) and amended by section 165(1) of, and paragraph 84 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6). It is repealed by sections 6(2) and 149 of, and paragraph 25 of Schedule 4 and Part 1 of Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4), with effect from a date to be appointed.
 - (f) 2003 c. 44; section 258 was amended by article 3(1) and (12) of S.I. 2005/643 and is amended by section 34(1) and (5) of the Police and Justice Act 2006 (c. 4), with effect from a date to be appointed.
 - (g) 1999 c. 22; section 12 was amended by section 182 of the Extradition Act 2003 (c. 41) and article 8 of, and paragraph 4 of the Schedule to, S.I. 2005/3429.

By reason of sections 15 and 45 of the Senior Courts Act 1981, the Court of Appeal and the Crown Court each has an inherent power temporarily to detain a respondent, for example to restore order, when dealing with obstructive, disruptive, insulting or intimidating conduct. Under section 12(2) of the Contempt of Court Act 1981(a), a magistrates' court can temporarily detain a respondent until later the same day on a contravention of that section.

Part 19 contains rules about bail.]

Review after temporary detention

62.6.—(1) This rule applies in a case in which the court has ordered the respondent's immediate temporary detention for conduct to which rule 62.5 applies.

- (2) The court must review the case—
 - (a) if a magistrates' court, later the same day;
 - (b) in the Court of Appeal or the Crown Court, no later than the next business day.
- (3) On the review, the court must—
 - (a) unless the respondent is absent, repeat the explanations required by rule 62.5(2)(a); and
 - (b) allow the respondent a reasonable opportunity to reflect, take advice, explain and, if he or she so wishes, apologise.
- (4) The court may then—
 - (a) take no further action in respect of the conduct;
 - (b) if a magistrates' court, enquire into the conduct there and then; or
 - (c) if the Court of Appeal or the Crown Court—
 - (i) enquire into the conduct there and then, or
 - (ii) postpone the enquiry, and order the respondent's release from such detention in the meantime.

Postponement of enquiry

62.7.—(1) This rule applies where the Court of Appeal or the Crown Court postpones the enquiry.

(2) The court must arrange for the preparation of a written statement containing such particulars of the conduct in question as to make clear what the respondent appears to have done.

- (3) The court officer must serve on the respondent—
 - (a) that written statement;
 - (b) notice of where and when the postponed enquiry will take place; and
 - (c) a notice that—
 - (i) reminds the respondent that the court can impose imprisonment, or a fine, or both, for contempt of court, and
 - (ii) warns the respondent that the court may pursue the postponed enquiry in the respondent's absence, if the respondent does not attend.

Procedure on enquiry

62.8.—(1) At an enquiry, the court must—

(a) 1981 c. 49; section 12(2) was amended by Part 1 of Schedule 4 to the Criminal Justice Act 1991 (c. 53).

- (a) ensure that the respondent understands (with help, if necessary) what is alleged, if the enquiry has been postponed from a previous occasion;
 - (b) explain what the procedure at the enquiry will be; and
 - (c) ask whether the respondent admits the conduct in question.
- (2) If the respondent admits the conduct, the court need not receive evidence.
- (3) If the respondent does not admit the conduct, the court will receive—
- (a) any statement served under rule 62.7;
 - (b) any other evidence of the conduct;
 - (c) any evidence introduced by the respondent; and
 - (d) any representations by the respondent about the conduct.
- (4) If the respondent admits the conduct, or the court finds it proved, the court must—
- (a) before imposing any punishment for contempt of court, give the respondent an opportunity to make representations relevant to punishment;
 - (b) explain, in terms the respondent can understand (with help, if necessary)—
 - (i) the reasons for its decision, including its findings of fact, and
 - (ii) the punishment it imposes, and its effect; and
 - (c) if a magistrates' court, arrange for the preparation of a written record of those findings.
- (5) The court that conducts an enquiry—
- (a) need not include the same member or members as the court that observed the conduct; but
 - (b) may do so, unless that would be unfair to the respondent.

SECTION 3: CONTEMPT OF COURT BY FAILURE TO COMPLY WITH COURT ORDER, ETC.

Initial procedure on failure to comply with court order, etc.

- 62.9.**—(1) This rule applies where—
- (a) a party, or other person directly affected, alleges—
 - (i) in the Crown Court, a failure to comply with an order to which rule 6.13 or 6.22 (certain investigation orders), or rule 59.6 (a restraint order), applies,
 - (ii) in the Court of Appeal or the Crown Court, any other conduct with which that court can deal as a civil contempt of court, or
 - (iii) in the Crown Court or a magistrates' court, unauthorised use of disclosed prosecution material under section 17 of the Criminal Procedure and Investigations Act 1996(a);
 - (b) the court deals on its own initiative with conduct to which paragraph (1)(a) applies.
- (2) Such a party or person must—
- (a) apply in writing and serve the application on the court officer; and
 - (b) serve on the respondent—
 - (i) the application, and
 - (ii) notice of where and when the court will consider the allegation (not less than 14 days after service).

(a) 1996 c. 25; section 17 was amended by section 331 of, and paragraphs 20 and 33 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44).

- (3) The application must—
- (a) identify the respondent;
 - (b) explain that it is an application for the respondent to be dealt with for contempt of court;
 - (c) contain such particulars of the conduct in question as to make clear what is alleged against the respondent; and
 - (d) include a notice warning the respondent that the court—
 - (i) can impose imprisonment, or a fine, or both, for contempt of court, and
 - (ii) may deal with the application in the respondent’s absence, if the respondent does not attend the hearing.
- (4) A court which acts on its own initiative under paragraph (1)(b) must—
- (a) arrange for the preparation of a written statement containing the same information as an application; and
 - (b) arrange for the service on the respondent of—
 - (i) that written statement, and
 - (ii) notice of where and when the court will consider the allegation (not less than 14 days after service).

[Note. By reason of section 45 of the Senior Courts Act 1981(a), the Crown Court has an inherent power to imprison (for a maximum of 2 years), or fine (to an unlimited amount), or both, a respondent for conduct in contempt of court by failing to comply with a court order or an undertaking given to the court.

Under section 18 of the Criminal Procedure and Investigations Act 1996(b)—

- (a) *the Crown Court can imprison (for a maximum of 2 years), or fine (to an unlimited amount), or both;*
- (b) *a magistrates’ court can imprison (for a maximum of 6 months), or fine (to a maximum of £5,000), or both,*

a person who uses disclosed prosecution material in contravention of section 17 of that Act. See also rule 22.8.

Under section 89 of the Powers of Criminal Courts (Sentencing) Act 2000, no respondent who is under 21 may be imprisoned for contempt of court. Under section 108 of that Act, a respondent who is at least 18 but under 21 may be detained if the court is of the opinion that no other method of dealing with him or her is appropriate. Under section 14(2A) of the Contempt of Court Act 1981, a respondent who is under 17 may not be ordered to attend an attendance centre.

Under section 258 of the Criminal Justice Act 2003, a respondent who is imprisoned for contempt of court must be released unconditionally after serving half the term.

The Practice Direction sets out a form of application for use in connection with this rule.

The rules in Part 4 require that an application under this rule must be served by handing it to the person accused of contempt of court unless the court otherwise directs.]

Procedure on hearing

62.10.—(1) At the hearing of an allegation under rule 62.9, the court must—

- (a) ensure that the respondent understands (with help, if necessary) what is alleged;

(a) 1981 c. 54.

(b) 1996 c. 25.

- (b) explain what the procedure at the hearing will be; and
 - (c) ask whether the respondent admits the conduct in question.
- (2) If the respondent admits the conduct, the court need not receive evidence.
- (3) If the respondent does not admit the conduct, the court will receive—
- (a) the application or written statement served under rule 62.9;
 - (b) any other evidence of the conduct;
 - (c) any evidence introduced by the respondent; and
 - (d) any representations by the respondent about the conduct.
- (4) If the respondent admits the conduct, or the court finds it proved, the court must—
- (a) before imposing any punishment for contempt of court, give the respondent an opportunity to make representations relevant to punishment;
 - (b) explain, in terms the respondent can understand (with help, if necessary)—
 - (i) the reasons for its decision, including its findings of fact, and
 - (ii) the punishment it imposes, and its effect; and
 - (c) in a magistrates' court, arrange for the preparation of a written record of those findings.

Introduction of written witness statement or other hearsay

62.11.—(1) Where rule 62.9 applies, an applicant or respondent who wants to introduce in evidence the written statement of a witness, or other hearsay, must—

- (a) serve a copy of the statement, or notice of other hearsay, on—
 - (i) the court officer, and
 - (ii) the other party; and
- (b) serve the copy or notice—
 - (i) when serving the application under rule 62.9, in the case of an applicant, or
 - (ii) not more than 7 days after service of that application or of the court's written statement, in the case of the respondent.

(2) Such service is notice of that party's intention to introduce in evidence that written witness statement, or other hearsay, unless that party otherwise indicates when serving it.

(3) A party entitled to receive such notice may waive that entitlement.

[Note. On an application under rule 62.9, hearsay evidence is admissible under the Civil Evidence Act 1995. Section 1(2) of the 1995 Act(a) defines hearsay as meaning 'a statement made otherwise than by a person while giving oral evidence in the proceedings which is tendered as evidence of the matters stated'. Section 13 of the Act(b) defines a statement as meaning 'any representation of fact or opinion, however made'.

Under section 2 of the 1995 Act(c), a party who wants to introduce hearsay in evidence must give reasonable and practicable notice, in accordance with procedure rules, unless the recipient waives that requirement.]

Content of written witness statement

62.12.—(1) This rule applies to a written witness statement served under rule 62.11.

(a) 1995 c. 38.
 (b) 1995 c. 38.
 (c) 1995 c. 38.

(2) Such a written witness statement must contain a declaration by the person making it that it is true to the best of that person's knowledge and belief.

[Note. By reason of sections 15 and 45 of the Senior Courts Act 1981(a), the Court of Appeal and the Crown Court each has an inherent power to imprison (for a maximum of 2 years), or fine (to an unlimited amount), or both, for contempt of court a person who, in a written witness statement to which this rule applies, makes, or causes to be made, a false statement without an honest belief in its truth. See also section 14 of the Contempt of Court Act 1981(b).]

Content of notice of other hearsay

62.13.—(1) This rule applies to a notice of hearsay, other than a written witness statement, served under rule 62.11.

(2) Such a notice must—

- (a) set out the evidence, or attach the document that contains it; and
- (b) identify the person who made the statement that is hearsay.

Cross-examination of maker of written witness statement or other hearsay

62.14.—(1) This rule applies where a party wants the court's permission to cross-examine a person who made a statement which another party wants to introduce as hearsay.

(2) The party who wants to cross-examine that person must—

- (a) apply in writing, with reasons; and
- (b) serve the application on—
 - (i) the court officer, and
 - (ii) the party who served the hearsay.

(3) A respondent who wants to cross-examine such a person must apply to do so not more than 7 days after service of the hearsay by the applicant.

(4) An applicant who wants to cross-examine such a person must apply to do so not more than 3 days after service of the hearsay by the respondent.

(5) The court—

- (a) may decide an application under this rule without a hearing; but
- (b) must not dismiss such an application unless the person making it has had an opportunity to make representations at a hearing.

[Note. See also section 3 of the Civil Evidence Act 1995(c).]

Credibility and consistency of maker of written witness statement or other hearsay

62.15.—(1) This rule applies where a party wants to challenge the credibility or consistency of a person who made a statement which another party wants to introduce as hearsay.

(2) The party who wants to challenge the credibility or consistency of that person must—

(a) 1981 c. 54.
(b) 1981 c. 49; section 14 was amended by section 65(1) of, and paragraphs 59 and 60 of Schedule 3 to, the Mental Health (Amendment) Act 1982 (c. 51), section 148 of, and paragraph 57 of Schedule 4 to, the Mental Health Act 1983 (c. 20), section 17(3) of, and Parts 1 and V of Schedule 4 to, the Criminal Justice Act 1991 (c. 53), section 65(3) and (4) of, and paragraph 6(5) of Schedule 3 to, the Criminal Justice Act 1993 (c. 36), section 165(1) of, and paragraph 84 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 1(4) of, and paragraph 19 of Schedule 1 to, the Mental Health Act 2007 (c. 12) and it is amended by sections 6(2) and 149 of, and paragraph 25 of Schedule 4 and Part 1 of Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4), with effect from a date to be appointed.
(c) 1995 c. 38.

- (a) serve a written notice of intention to do so on—
 - (i) the court officer, and
 - (ii) the party who served the hearsay; and
- (b) in it, identify any statement or other material on which that party relies.

(3) A respondent who wants to challenge such a person’s credibility or consistency must serve such a notice not more than 7 days after service of the hearsay by the applicant.

(4) An applicant who wants to challenge such a person’s credibility or consistency must serve such a notice not more than 3 days after service of the hearsay by the respondent.

- (5) The party who served the hearsay—
 - (a) may call that person to give oral evidence instead; and
 - (b) if so, must serve a notice of intention to do so on—
 - (i) the court officer, and
 - (ii) the other party
- as soon as practicable after service of the notice under paragraph (2).

[Note. Section 5(2) of the Civil Evidence Act 1995(a) describes the procedure for challenging the credibility of the maker of a statement of which hearsay evidence is introduced.

See also section 6 of that Act(b). The 1995 Act does not allow the introduction of evidence of a previous inconsistent statement otherwise than in accordance with sections 5, 6 and 7 of the Criminal Procedure Act 1865(c).]

Magistrates’ courts’ powers to adjourn, etc.

62.16.—(1) This rule applies where a magistrates’ court deals with unauthorised disclosure of prosecution material under sections 17 and 18 of the Criminal Procedure and Investigations Act 1996(d).

(2) The sections of the Magistrates’ Courts Act 1980 listed in paragraph (3) apply as if in those sections—

- (a) ‘complaint’ and ‘summons’ each referred to an application or written statement under rule 62.9;
- (b) ‘complainant’ meant an applicant; and
- (c) ‘defendant’ meant the respondent.

- (3) Those sections are—
 - (a) section 51(e) (issue of summons on complaint);
 - (b) section 54(f) (adjournment);
 - (c) section 55(g) (non-appearance of defendant);
 - (d) section 97(1)(h) (summons to witness);

(a) 1995 c. 38.
 (b) 1995 c. 38.
 (c) 1865 c. 18; section 6 was amended by section 10 of the Decimal Currency Act 1969 (c. 19), section 90 of, and paragraph 3 of Schedule 13 to, the Access to Justice Act 1999 (c. 22), section 109 of, and paragraph 47 of Schedule 8 to, the Courts Act 2003 (c. 39) and sections 331 and 332 of, and paragraph 79 of Schedule 36 to, and Schedule 37 to, the Criminal Justice Act 2003 (c. 44). It is further amended by section 119 of, and Schedule 7 to, the Police and Criminal Evidence Act 1984 (c. 60) and article 90 of, and Schedule 7 to, S.I. 1989/1342, with effect from a date to be appointed.
 (d) 1996 c. 25; section 17 was amended by section 331 of, and paragraphs 20 and 33 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44).
 (e) 1980 c. 43; section 51 was substituted by section 47(1) of the Courts Act 2003 (c. 39).
 (f) 1980 c. 43.
 (g) 1980 c. 43.
 (h) 1980 c. 43; section 97(1) was substituted by section 169(2) of the Serious Organised Crime and Police Act 2005 (c. 15).

(e) section 121(1)(a) (constitution and place of sitting of court);

(f) section 123(b) (defect in process).

(4) Section 127 of the 1980 Act(c) (limitation of time) does not apply.

[Note. Under section 19(3) of the Criminal Procedure and Investigations Act 1996(d), Criminal Procedure Rules may contain provisions equivalent to those contained in Schedule 3 to the Contempt of Court Act 1981(e) (which allows magistrates' courts in cases of contempt of court to use certain powers such courts possess in other cases).]

Court's power to vary requirements under Section 3

62.17.—(1) The court may shorten or extend (even after it has expired) a time limit under rule 62.11, 62.14 or 62.15.

(2) A person who wants an extension of time must—

(a) apply when serving the statement, notice or application for which it is needed; and

(b) explain the delay.”

(a) 1980 c. 43.

(b) 1980 c. 43.

(c) 1980 c. 43.

(d) 1996 c. 25; section 19(3) was amended by section 109 of, and paragraph 377 of Schedule 8 to, the Courts Act 2003 (c. 39) and section 15 of, and paragraph 251 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4).

(e) 1981 c. 49; Schedule 3 has been amended but the amendment is not relevant to this rule.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make the following amendments to The Criminal Procedure Rules 2010, S.I. 2010/60:

<i>Rule</i>	<i>Amendment</i>
Part 4	Rule 4.7 is amended to bring up to date the cross-references to other rules that it contains. Rule 4.9 is amended to clarify the extent of the court's power to allow service of documents by methods other than those prescribed by Part 4.
Part 8	The rules are replaced with revised and simplified rules that apply in magistrates' courts and in the Crown Court.
Part 22	Rules 22.4, 22.9 and the notes to the rules are amended to provide for, and refer to, defence witness notices under section 6C of the Criminal Procedure and Investigations Act 1996. Rule 22.8 is amended in consequence of the new rules in Part 62.
Part 42	Rule 42.3 is amended to provide for informing a defendant about inclusion in a barred list under the Safeguarding Vulnerable Groups Act 2006. The note to rule 42.8 is amended to refer to requests for medical reports under section 157 of the Criminal Justice Act 2003.
Part 62	The rules are replaced with revised and expanded rules about contempt of court, dealing with contempt by obstructive, disruptive, insulting or intimidating conduct, in the courtroom or in its vicinity or otherwise immediately affecting the proceedings, and contempt by failure to comply with a court order.

Amendments to other rules, and notes to rules. Corrections are made to rules 35.2(1) and 68.7(1). The notes to rules 15.1 and 76.7 are amended to bring up to date and to correct the legislative and cross-references that they contain.

Amendments to the preamble. The preamble that lists the powers exercised by the Criminal Procedure Rule Committee is amended to include a reference to the power now exercised by the Committee to make rule 62.16 of the Criminal Procedure Rules.

Amendments to the Arrangement of Rules. The Arrangement of Rules is amended in consequence of the substitution of Part 8 of the Criminal Procedure Rules.

These Rules come into force on 4th April 2011.

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£5.75