

## **AMENDMENTS TO THE CRIMINAL PRACTICE DIRECTIONS MARCH 2019**

### **SUMMARY OF KEY CHANGES**

This is the eighth amendment to the Criminal Practice Directions 2015<sup>1</sup>. It is issued by the Lord Chief Justice on 28<sup>th</sup> March 2019 and will come into force on 1<sup>st</sup> April 2019.

This update provides amendments to existing Criminal Practice Directions and supplements the Criminal Procedure (Amendment) Rules 2019 SI 2019/143 that come into force on 1<sup>st</sup> April 2019. The Table of Content is amended accordingly.

#### **1. CPD I A.1 GENERAL MATTERS:**

This new paragraph encapsulates the status of the Criminal Procedure Rules and Criminal Practice Directions and has been included to help focus the minds of those appearing in the criminal courts as to the importance in adherence to the rules and practice directions.

#### **2. CPD III Custody and bail 14E: TRIALS IN ABSENCE**

This amendment is to support the inclusion of a new practice direction (see below at 4.) and to ensure that the new section on trials in absence takes precedence over what was previously included at 14E.1

#### **3. CPD V Evidence 19A: EXPERT EVIDENCE**

The inclusion of the three additional sections will assist the court and clarify to experts what they are obliged to disclose to the party instructing them about themselves, or any corporation or body with which the expert works as an employee or in any other capacity. The section goes on to offer guidance to the courts and the experts as to what may happen as a result of any disclosures that are forthcoming.

#### **4. CPD VI Trial 24B: IDENTIFICATION FOR THE COURT OF THE ISSUES IN THE CASE**

This section has been updated to emphasize the purpose, and importance, of the summary by the prosecutor to effectively identify the relevant issues in the case, by requiring them

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<sup>1</sup> [2015] EWCA Crim 1567. Amendment Number 1 [2016] EWCA Crim 97 was issued by the Lord Chief Justice on 23<sup>rd</sup> March 2016 and came into force on the 4<sup>th</sup> April 2016. Amendment Number 2 [2016] EWCA Crim 1714 was issued by the Lord Chief Justice on 16<sup>th</sup> November 2016 and came into force on 16<sup>th</sup> November 2016. Amendment Number 3 [2017] EWCA Crim 30 was issued by the Lord Chief Justice and came into force on the 31<sup>st</sup> January 2017. Amendment Number 4 [2017] EWCA Crim 310 was issued by the Lord Chief Justice on 28<sup>th</sup> March 2017 and came into force on 3<sup>rd</sup> April 2017. Amendment Number 5 [2017] EWCA Crim 1076 was issued by the Lord Chief Justice on 27<sup>th</sup> July 2017 and came into force on 2<sup>nd</sup> October 2017. Amendment Number 6 [2018] EWCA Crim 516 was issued by the Lord Chief Justice on 21<sup>st</sup> March 2018 and came into force on 2<sup>nd</sup> April 2018. Amendment Number 7 [2018] EWCA Crim 1760 was issued by the Lord Chief Justice on 26<sup>th</sup> July 2018 and came into force on the 1<sup>st</sup> October 2018.

to highlight any relevant case-law or legislation to that particular case. This will assist to support the context of the new directions in relation to trial adjournment in the magistrates' court.

**5. CPD VI Trial 24C: TRIAL ADJOURNMENT IN MAGISTRATES' COURTS**

This new practice direction has been issued to provide an authoritative direction for the magistrates' courts when dealing with applications to adjourn trial hearings, either on the day or trial itself, or prior to that hearing as an application to vacate. It consolidates the existing case law from the senior courts and provides comprehensive guidance to the courts and practitioners in dealing with these challenging decisions.

**6. CPD VI Trial 25B: TRIAL ADJOURNMENT IN THE CROWN COURT**

These sections have been added to provide a more accurate statement of the current position in relation to trial adjournment in the Crown Court.

**7. CPD VII Sentencing I: IMPACT STATEMENTS FOR BUSINESSES**

These amended sections have been updated to make clear that public sector bodies (hospitals, schools etc) are entitled to submit to court a statement, to be taken into account when determining sentence, by outlining the impact that the offending has had upon that institution.

**8. CPD XI Other proceedings 47A: INVESTIGATION ORDERS AND WARRANTS**

These sections have been revised and updated to support the new direction that has been developed to deal with investigation orders in the Crown Court.

**9. CPD XI Other proceedings 47B: INVESTIGATION ORDERS AND WARRANTS IN THE CROWN COURT**

This new direction marks a significant change in approach for some Crown Courts in the management of investigative orders, including production orders. Its purpose is to address and alleviate some of the operational practices that have developed in the management of these applications. The new sections should provide a consistent, national approach and ensure that there is a fairer geographical spread of the work.

**10. CPD XIII Listing**

There are several amendments made to ensure that appeals from the youth court in relation to cases of sexual offending are dealt with by appropriately experienced judges.