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IN THE COURT OF APPEAL (CRIMINAL DIVISION)

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 18/03/2015

Before :

LORD CHIEF JUSTICE OF ENGLAND AND WALES

Criminal Practice Directions
Amendment No. 3

**AMENDMENT NO. 3 TO THE
CRIMINAL PRACTICE DIRECTIONS**

This Practice Direction adds new Practice Directions at CPD I General Matters 3L, CPD I General Matters 3M, CPD II Preliminary Proceedings 16C. This includes two new annexes to CPD XIII. They are handed down by the Lord Chief Justice on 18th March 2015 and come into force on 6th April 2015.

It sets out:

- (a) An amended Table of Content;
- (b) A new Practice Direction on the issue security of prisoners at court;
- (c) A new Practice Direction on firearms deployment in court;
- (d) A new Practice Direction the on use of live text-based communications
- (e) A new Annex on Terrorism cases;
- (f) A new Annex on the management of cases from the OCD.

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New Practice Direction on the security of prisoners at court

CPD I General Matters 3L: Security of Prisoners at Court

- 3L.1 High-risk prisoners identified to the court as presenting a significant risk of escape, violence in court or danger to those in the court and its environs, and to the public at large, will as far as possible, have administrative and remand appearances listed for disposal by way of live link. They will have priority for the use of video equipment.
- 3L.2 In all other proceedings that require the appearance in person of a high-risk prisoner, the proceedings will be listed at an appropriately secure court building and in a court with a secure (enclosed or ceiling-high) dock.
- 3L.3 Where a secure dock or live link is not available the court will be asked to consider an application for additional security measures, which may include:
- (a) the use of approved restraints (but see below at 3M.6);
 - (b) the deployment of additional escort staff;
 - (c) securing the court room for all or part of the proceedings;
 - (d) in exceptional circumstances, moving the hearing to a prison.
- 3L.4 National Offender Management Service (NOMS) will be responsible for providing the assessment of the prisoner and it is accepted that this may change at short notice. NOMS must provide notification to the listing officer of all Category A prisoners, those on the Escape-list and Restricted Status prisoners or other prisoners who have otherwise been assessed as presenting a significant risk of violence or harm. There is a presumption that all prisoners notified as high-risk will be allocated a hearing by live link and/or secure dock facilities. Where the court cannot provide a secure listing, the reasons should be provided to the establishment so that alternative arrangements can be considered.

Applications for use of approved restraints

- 3L.5 It is the duty of the court to decide whether a prisoner who appears before them should appear in restraints or not. Their decision must comply with the requirements of the European Convention on Human Rights, particularly Article 3, which prohibits degrading treatment, see *Ranniman v Finland* (1997) 26 EHRR 56.
- 3L.6 No prisoner should be handcuffed in court unless there are reasonable grounds for apprehending that he will be violent or will attempt to escape. If an application is made, it must be entertained by the court and a ruling must be given. The defence should be given the opportunity to respond to the application: proceeding in the absence of the defendant or his representative may give rise to an issue under Article 6(1) of the European Convention on Human Rights: *R v Rollinson* (1996) 161 JP 107, CA. If an application is to

be made ex parte then that application should be made inter partes and the defence should be given an opportunity to respond.

Additional security measures

- 3L.7 It may be in some cases that additional dock officers are deployed to mitigate the risk that a prisoner presents. When the nature of the risk is so serious that increased deployment will be insufficient or would in itself be so obtrusive as to prejudice a fair trial, then the court may be required to consider the following measures:
- (a) reconsider the case for a live link hearing, including transferring the case to a court where the live link is available;
 - (b) transfer the case to an appropriately secure court;
 - (c) the use of approved restraints on the prisoner for all or part of the proceedings;
 - (d) securing the court room for all or part of the proceedings; and
 - (e) the use of (armed) police in the court building.
- 3L.8 The establishment seeking the additional security measures will submit a Court Management Directions Form setting out the evidence of the prisoners identified risk of escape or violence and requesting the courts approval of security measures to mitigate that risk. This must be sent to the listing officer along with current, specific and credible evidence that the security measures are both necessary and proportionate to the identified risk and that the risk cannot be managed in any other way.
- 3L.9 If the court is asked to consider transfer of the case, then this must be in accordance with the Listing and Allocation Practice Direction XIII F.11-F.13 post. The listing officer will liaise with the establishment, prosecution and the defence to ensure the needs of the witnesses are taken into account.
- 3L.10 The Judge who has conduct of the case must deal with any application for the use of restraints or any other security measure and will hear representations from the Crown Prosecution Service and the defence before proceeding. The application will only be granted if:
- (a) there are good grounds for believing that the prisoner poses a significant risk of trying to escape from the court (beyond the assumed motivation of all prisoners to escape) and/or risk of serious harm towards those persons in court or the public generally should an escape attempt be successful; and
 - (b) where there is no other viable means of preventing escape or serious harm.

High-risk prisoners giving evidence from the witness box

3L.11 High-risk prisoners giving evidence from the witness box may pose a significant security risk. In circumstances where such prisoners are required to move from a secure dock to an insecure witness box, an application may be made for the court to consider the use of additional security measures including:

- (a) the use of approved restraints;
- (b) the deployment of additional escort staff or police in the courtroom or armed police in the building. The decision to deploy an armed escort is for the Chief Inspector of the relevant borough: the decision to allow the armed escort in or around the court room is for the Senior Presiding Judge (see below);
- (c) securing the courtroom for all or part of the proceedings;
- (d) giving evidence from the secure dock; and
- (e) use of live link if the prisoner is not the defendant.

New Practice Direction on the procedure for applications for firearms deployment in court

CPD I General Matters 3M: PROCEDURE FOR APPLICATION FOR ARMED POLICE PRESENCE IN CROWN COURTS AND MAGISTRATES' COURT BUILDINGS

3M.1 This Practice Direction sets out the procedure for the making and handling of applications for authorisation for the presence of armed police officers within the precincts of any Crown Court and magistrates' court building at any time. It applies to an application to authorise the carriage of firearms or tasers in court. It does not apply to officers who are carrying CS spray or PAVA incapacitant spray, which is included in the standard equipment issued to officers in some forces and therefore no separate authorisation is required for its carriage in court.

3M.2 This Practice Direction applies to all cases in England and Wales in which a police unit intends to request authorisation for the presence of armed police officers in the Crown Court or in the magistrates' court buildings at any time and including during the delivery of prisoners to court.

Emergency situations

3M.3 This Practice Direction does not apply in an emergency situation. In such circumstances, the police must be able to respond in a way in which their professional judgment deems most appropriate.

Designated court centres

3M.4 Applications may only be made for armed police presence in the designated Crown Court and magistrates' court centres (see below). This list may be revised from time to time in consultation with the Association of Chief Police Officers (ACPO) and HMCTS. It will be reviewed at least every five years in consultation with ACPO armed police secretariat and the Presiding Judges.

3M.5 The Crown Court centres designated for firearms deployment are:

- (a) Northern Circuit: Carlisle, Chester, Liverpool, Preston, Manchester Crown Square & Manchester Minshull Street.
- (b) North Eastern Circuit: Bradford, Leeds, Newcastle upon Tyne, Sheffield, Teesside and Kingston-upon-Hull.
- (c) Western Circuit: Bristol, Winchester and Exeter.
- (d) South Eastern Circuit (not including London): Canterbury, Chelmsford, Ipswich, Luton, Maidstone, Norwich, Reading and St Albans.
- (e) South Eastern Circuit (London only): Central Criminal Court, Woolwich, Kingston and Snaresbrook.
- (f) Midland Circuit: Birmingham, Northampton, Nottingham and Leicester.
- (g) Wales Circuit: Cardiff, Swansea and Caernarfon.

3M.6 The magistrates' courts designated for firearms deployment are:

- (a) South Eastern Circuit (London only): Westminster Magistrates' Court and Belmarsh Magistrates' Court.

Preparatory work prior to applications in all cases

3M.7 Prior to the making of any application for armed transport of prisoners or the presence of armed police officers in the court building, consideration must be given to making use of prison video link equipment to avoid the necessity of prisoners' attendance at court for the hearing in respect of which the application is to be made.

3M.8 Notwithstanding their designation, each requesting officer will attend the relevant court before an application is made to ensure that there have been no changes to the premises and that there are no circumstances that might affect security arrangements.

Applying to the Crown Court

3M.9 All applications should be sent to the Cluster Manager and should be sent by email if possible and must be on the standard form.

3M.10 The Cluster Manager will notify the Presiding Judge on the circuit and the Resident Judge by email, providing a copy of the form and

any supporting evidence. The Presiding Judge may ask to see the senior police officer concerned.

- 3M.11 The Presiding Judge will consider the application. If it is refused the application fails and the police must be informed.
- 3M.12 If the Presiding Judge approves the application it should be forwarded to the secretary in the Senior Presiding Judge's Office. The Senior Presiding Judge will make the final decision. The Presiding Judge will receive written confirmation of that decision.
- 3M.13 The Presiding Judge will notify the Cluster Manager and the Resident Judge of the decision. The Cluster Manager will immediately inform the police of the decision by telephone. The decision must then be confirmed in writing to the police.

Urgent applications to the Crown Court

- 3M.14 If the temporary deployment of armed police arises as an urgent issue and a case would otherwise have to be adjourned; or if the trial judge is satisfied that there is a serious risk to public safety, then the Resident Judge will have a discretion to agree such deployment without having obtained the consent of a Presiding Judge or the Senior Presiding Judge. In such a case:
 - (a) the Resident Judge should assess the facts and agree the proposed solution with a police officer of at least Superintendent level. That officer should agree the approach with the Firearms Division of the police.
 - (b) if the proposed solution involves the use of armed police officers, the Resident Judge must try to contact the Presiding Judge and/or the Senior Presiding Judge by email and telephone. The Cluster Manager should be informed of the situation.
 - (c) if the Resident Judge cannot obtain a response from the Presiding Judge or the Senior Presiding Judge, the Resident Judge may grant the application if satisfied:
 - (i) that the application is necessary;
 - (ii) that without such deployment there would be a significant risk to public safety; and
 - (iii) that the case would have to be adjourned at significant difficulty or inconvenience.
- 3M.15 The Resident Judge must keep the position under continual review, to ensure that it remains appropriate and necessary. The Resident Judge must make continued efforts to contact the Presiding Judge and the Senior Presiding Judge to notify them of the full circumstances of the authorisation.

Applying to the magistrates' courts

3M.16 All applications should be directed, by email if possible, to the Office of the Chief Magistrate, at Westminster Magistrates' Court and must be on the standard form.

3M.17 The Chief Magistrate should consider the application and, if approved, it should be forwarded to the Senior Presiding Judge's office. The Senior Presiding Judge will make the final decision. The Chief Magistrate will receive written confirmation of that decision and will then notify the requesting police officer and, where authorisation is given, the affected magistrates' court of the decision.

Urgent applications in the magistrates' courts

3M.18 If the temporary deployment of armed police arises as an urgent issue and a case would otherwise have to be adjourned; or if the Chief Magistrate is satisfied that there is a serious risk to public safety, then the Chief Magistrate will have a discretion to agree such deployment without having obtained the consent of the Senior Presiding Judge. In such a case:

- (a) the Chief Magistrate should assess the facts and agree the proposed solution with a police officer of at least Superintendent level. That officer should agree the approach with the Firearms Division of the police.
- (b) if the proposed solution involves the use of armed police officers, the Chief Magistrate must try to contact the Senior Presiding Judge by email and telephone. The Cluster Manager should be informed of the situation.
- (c) if the Chief Magistrate cannot obtain a response from the Senior Presiding Judge, the Chief Magistrate may grant the application if satisfied:
 - (i) that the application is necessary;
 - (ii) that without such deployment there would be a significant risk to public safety; and
 - (iii) that the case would have to be adjourned at significant difficulty or inconvenience.

3M.19 The Chief Magistrate must keep the position under continual review, to ensure that it remains appropriate and necessary. The Chief Magistrate must make continued efforts to contact the Senior Presiding Judge to notify him of the full circumstances of the authorisation.

New Practice Direction on the use of live text-based communications

CPD II Preliminary Proceedings 16C: USE OF LIVE TEXT-BASED FORMS OF COMMUNICATION (INCLUDING *TWITTER*) FROM COURT FOR THE PURPOSES OF FAIR AND ACCURATE REPORTING

- 16C.1 This part clarifies the use which may be made of live text-based communications, such as mobile email, social media (including *Twitter*) and internet-enabled laptops in and from courts throughout England and Wales. For the purpose of this part these means of communication are referred to, compendiously, as ‘live text-based communications’. It is consistent with the legislative structure which:
- (a) prohibits:
 - (i) the taking of photographs in court (section 41 of the Criminal Justice Act 1925);
 - (ii) the use of sound recording equipment in court unless the leave of the judge has first been obtained (section 9 of the Contempt of Court Act 1981); and
 - (b) requires compliance with the strict prohibition rules created by sections 1, 2 and 4 of the Contempt of Court Act 1981 in relation to the reporting of court proceedings.

General Principles

- 16C.2 The judge has an overriding responsibility to ensure that proceedings are conducted consistently, with the proper administration of justice, and to avoid any improper interference with its processes.
- 16C.3 A fundamental aspect of the proper administration of justice is the principle of open justice. Fair and accurate reporting of court proceedings forms part of that principle. The principle is, however, subject to well-known statutory and discretionary exceptions. Two such exceptions are the prohibitions, set out in paragraph 16C.1(a), on photography in court and on making sound recordings of court proceedings.
- 16C.4 The statutory prohibition on photography in court, by any means, is absolute. There is no judicial discretion to suspend or dispense with it. Any equipment which has photographic capability must not have that function activated.
- 16C.5 Sound recordings are also prohibited unless, in the exercise of its discretion, the court permits such equipment to be used. In criminal proceedings, some of the factors relevant to the exercise of that discretion are contained in CPD 16A.2. The same factors are likely to be relevant when consideration is being given to the exercise of this discretion in civil or family proceedings.

Use of Live Text-based Communications: General Considerations

- 16C.6 The normal, indeed almost invariable, rule has been that mobile phones must be turned off in court. There is however no statutory prohibition on the use of live text-based communications in open court.
- 16C.7 Where a member of the public, who is in court, wishes to use live text-based communications during court proceedings an application for permission to activate and use, in silent mode, a mobile phone, small laptop or similar piece of equipment, solely in order to make live text-based communications of the proceedings will need to be made. The application may be made formally or informally (for instance by communicating a request to the judge through court staff).
- 16C.8 It is presumed that a representative of the media or a legal commentator using live text-based communications from court does not pose a danger of interference to the proper administration of justice in the individual case. This is because the most obvious purpose of permitting the use of live text-based communications would be to enable the media to produce fair and accurate reports of the proceedings. As such, a representative of the media or a legal commentator who wishes to use live text-based communications from court may do so without making an application to the court.
- 16C.9 When considering, either generally on its own motion, or following a formal application or informal request by a member of the public, whether to permit live text-based communications, and if so by whom, the paramount question for the judge will be whether the application may interfere with the proper administration of justice.
- 16C.10 In considering the question of permission, the factors listed under CPD 16A.2 are likely to be relevant.
- 16C.11 Without being exhaustive, the danger to the administration of justice is likely to be at its most acute in the context of criminal trials e.g., where witnesses who are out of court may be informed of what has already happened in court and so coached or briefed before they then give evidence, or where information posted on, for instance, *Twitter* about inadmissible evidence may influence members of the jury. However, the danger is not confined to criminal proceedings; in civil and sometimes family proceedings, simultaneous reporting from the courtroom may create pressure on witnesses, by distracting or worrying them.
- 16C.12 It may be necessary for the judge to limit live text-based communications to representatives of the media for journalistic purposes but to disallow its use by the wider public in court. That may arise if it is necessary, for example, to limit the number of

mobile electronic devices in use at any given time because of the potential for electronic interference with the court's own sound recording equipment, or because the widespread use of such devices in court may cause a distraction in the proceedings.

16C.13 Subject to these considerations, the use of an unobtrusive, hand-held, silent piece of modern equipment, for the purposes of simultaneous reporting of proceedings to the outside world as they unfold in court, is generally unlikely to interfere with the proper administration of justice.

16C.14 Permission to use live text-based communications from court may be withdrawn by the court at any time.

New Annex on the management of terrorism cases

CPD XIII Annex 4

This annex replaces the Protocol on the case management of Terrorism Cases issued in December 2006 by the President of the Queen's Bench Division.

APPLICATION

1. This annex applies to 'terrorism cases'. For the purposes of this annex a case is a 'terrorism case' where:
 - (a) one of the offences charged against any of the defendants is indictable only and it is alleged by the prosecution that there is evidence that it took place during an act of terrorism or for the purposes of terrorism as defined in s1 of the Terrorism Act 2000. This may include, but is not limited to:
 - (i) murder;
 - (ii) manslaughter;
 - (iii) an offence under section 18 of the Offences against the Person Act 1861 (wounding with intent);
 - (iv) an offence under section 23 or 24 of that Act (administering poison etc);
 - (v) an offence under section 28 or 29 of that Act (explosives);
 - (vi) an offence under section 2, 3 or 5 of the Explosive Substances Act 1883 (causing explosions);
 - (vii) an offence under section 1 (2) of the Criminal Damage Act 1971 (endangering life by damaging property);

- (viii) an offence under section 1 of the Biological Weapons Act 1974 (biological weapons);
 - (ix) an offence under section 2 of the Chemical Weapons Act 1996 (chemical weapons);
 - (x) an offence under section 56 of the Terrorism Act 2000 (directing a terrorist organisation);
 - (xi) an offence under section 59 of that Act (inciting terrorism overseas);
 - (xii) offences under (v), (vii) and (viii) above given jurisdiction by virtue of section 62 of that Act (terrorist bombing overseas); and
 - (xiii) an offence under section 5 of the Terrorism Act 2006 (preparation of terrorism acts).
- (b) one of the offences charged is indictable only and includes an allegation by the prosecution of serious fraud that took place during an act of terrorism or for the purposes of terrorism as defined in s1 of the Terrorism Act 2000 and meets the test to be transferred to the Crown Court under section 4 of the Criminal Justice Act 1987;
 - (c) one of the offences charged is indictable only, which includes an allegation that a defendant conspired, incited or attempted to commit an offence under sub paragraphs (1)(a) or (b) above; or
 - (d) it is a case (which can be indictable only or triable either way) that a judge of the terrorism cases list (see paragraph 2(a) below) considers should be a terrorism case. In deciding whether a case not covered by subparagraphs (1)(a), (b) or (c) above should be a terrorism case, the judge may hear representations from the Crown Prosecution Service.

The terrorism cases list

- 2(a) All terrorism cases, wherever they originate in England and Wales, will be managed in a list known as the ‘terrorism cases list’ by such judges of the High Court as are nominated by the President of the Queen’s Bench Division.
- 2(b) Such cases will be tried, unless otherwise directed by the President of the Queen’s Bench Division, by a judge of the High Court as nominated by the President of the Queen’s Bench Division.
- 3. The judges managing the terrorism cases referred to in paragraph 2(a) will be supported by the London and South Eastern Regional Co-ordinator’s Office (the ‘Regional Co-ordinator’s Office’). An official of that office or an individual nominated by that office will act as the case progression officer for cases in that list for the purposes of rule 3.4 of the Criminal Procedure Rules.

Procedure after charge

4. Immediately after a person has been charged in a terrorism case, anywhere in England and Wales, a representative of the Crown Prosecution Service will notify the person on the 24 hour rota for special jurisdiction matters at Westminster Magistrates' Court of the following information:
 - (a) the full name of each defendant and the name of his solicitor or other legal representative, if known;
 - (b) the charges laid;
 - (c) the name and contact details of the Crown Prosecutor with responsibility for the case, if known; and
 - (d) confirmation that the case is a terrorism case.
5. The person on the 24-hour rota will then ensure that all terrorism cases wherever they are charged in England and Wales are listed before the Chief Magistrate or other District Judge designated under the Terrorism Act 2000. Unless the Chief Magistrate or other District Judge designated under the Terrorism Act 2000 directs otherwise, the first appearance of all defendants accused of terrorism offences will be listed at Westminster Magistrates' Court.
6. In order to comply with section 46 of the Police and Criminal Evidence Act 1984, if a defendant in a terrorism case is charged at a police station within the local justice area in which Westminster Magistrates' Court is situated, the defendant must be brought before Westminster Magistrates' Court as soon as is practicable and in any event not later than the first sitting after he is charged with the offence. If a defendant in a terrorism case is charged in a police station outside the local justice area in which Westminster Magistrates' Court is situated, unless the Chief Magistrate or other designated judge directs otherwise, the defendant must be removed to that area as soon as is practicable. He must then be brought before Westminster Magistrates' Court as soon as is practicable after his arrival in the area and in any event not later than the first sitting of Westminster Magistrates' Court after his arrival in that area.
7. As soon as is practicable after charge a representative of the Crown Prosecution Service will also provide the Regional Listing Co-ordinator's Office with the information listed in paragraph 4 above.
8. The Regional Co-ordinator's Office will then ensure that the Chief Magistrate and the Legal Aid Agency have the same information.

Cases to be sent to the Crown Court under section 51 of the Crime and Disorder Act 1998

9. A preliminary hearing should normally be ordered by the magistrates' court in a terrorism case. The court should ordinarily direct that the preliminary hearing should take place about 14 days after charge.

10. The sending magistrates' court should contact the Regional Listing Co-ordinator's Office who will be responsible for notifying the magistrates' court as to the relevant Crown Court to which to send the case.
11. In all terrorism cases, the magistrates' court case progression form for cases sent to the Crown Court under section 51 of the Crime and Disorder Act 1998 should not be used. Instead of the automatic directions set out in that form, the magistrates' court shall make the following directions to facilitate the preliminary hearing at the Crown Court:
 - (a) three days prior to the preliminary hearing in the terrorism cases list, the prosecution must serve upon each defendant and the Regional Listing co-ordinator:
 - (i) a preliminary summary of the case;
 - (ii) the names of those who are to represent the prosecution, if known;
 - (iii) an estimate of the length of the trial;
 - (iv) a suggested provisional timetable which should generally include:
 - the general nature of further enquiries being made by the prosecution,
 - the time needed for the completion of such enquiries,
 - the time required by the prosecution to review the case,
 - a timetable for the phased service of the evidence,
 - the time for the provision by the Attorney General for his consent if necessary,
 - the time for service of the detailed defence case statement,
 - the date for the case management hearing, and
 - the estimated trial date;
 - (v) a preliminary statement of the possible disclosure issues setting out the nature and scale of the problem, including the amount of unused material, the manner in which the prosecution seeks to deal with these matters and a suggested timetable for discharging their statutory duty; and
 - (vi) any information relating to bail and custody time limits.
 - (b) one day prior to the preliminary hearing in the terrorist cases list, each defendant must serve in writing on the Regional Listing Co-ordinator and the prosecution:

- (i) the proposed representation;
- (ii) observations on the timetable; and
- (iii) an indication of plea and the general nature of the defence.

Cases to be transferred to the Crown Court under section 4(1) of the Criminal Justice Act 1987

- 12. If a terrorism case is to be transferred to the Crown Court the magistrates' court should proceed as if it is being sent to the Crown Court, as in paragraphs 9-11 above.
- 13. When a terrorism case is so sent or transferred the case will go into the terrorism list and be managed by a judge as described in paragraph 2(a) above.

The preliminary hearing at the Crown Court

- 14. At the preliminary hearing, the judge will determine whether the case is one to remain in the terrorism list and if so, give directions setting the provisional timetable.
- 15. The Legal Aid Agency must attend the hearing by an authorised officer to assist the court.

Use of video links

- 16. Unless a judge otherwise directs, all Crown Court hearings prior to the trial will be conducted by video link for all defendants in custody.

Security

- 17. The police service and the prison service will provide the Regional Listing Co-ordinator's Office with an initial joint assessment of the security risks associated with any court appearance by the defendants within 14 days of charge. Any subsequent changes in circumstances or the assessment of risk which have the potential to impact upon the choice of trial venue will be notified to the Regional Listing Co-ordinator's Office immediately.

New Annex on the management of cases from the OCD

CPD XIII Annex 5

MANAGEMENT OF CASES FROM THE ORGANISED CRIME DIVISION OF THE CROWN PROSECUTION SERVICE

This annex replaces the guidance issued by the Senior Presiding Judge in January 2014.

1. The Organised Crime Division (OCD) of the CPS is responsible for prosecution of cases from the National Crime Agency (NCA). Typically, these cases involve more than one defendant, are voluminous and raise complex and specialised issues of law. It is recognised that if not closely managed, such cases have the potential to cost vast amounts of public money and take longer than necessary.
2. This annex applies to all cases handled by the OCD.

Designated court centres

3. Subject to the overriding discretion of the Presiding Judges of the circuit, OCD cases should normally be heard at Designated Court Centres (DCC). The process of designating court centres for this purpose has taken into account geographical factors and the size, security and facilities of those court centres. The designated court centres are:
 - (a) Northern Circuit: Manchester, Liverpool and Preston.
 - (b) North Eastern Circuit: Leeds, Newcastle and Sheffield.
 - (c) Western Circuit: Bristol and Winchester.
 - (d) South Eastern Circuit (not including London): Reading, Luton, Chelmsford, Ipswich, Maidstone, Lewes and Hove.
 - (e) South Eastern Circuit (London only): Southwark, Blackfriars, Kingston, Woolwich, Croydon and the Central Criminal Court.
 - (f) Midland Circuit: Birmingham, Leicester and Nottingham.
 - (g) Wales Circuit: Cardiff, Swansea and Mold.

Selection of designated court centres

4. If arrests are made in different parts of the country and the OCD seeks to have all defendants tried by one Crown Court, the OCD will, at the earliest opportunity, write to the cluster manager with a recommendation as to the appropriate designated court centre, requesting that the decision be made by the relevant Presiding Judges. In the event that the designated court centre within one region is unable to accommodate a case, for example, as a result of a custody time limit expiry date, consideration may be given to transferring the case to a DCC in another region with the consent of the relevant Presiding Judges.
5. There will be a single point of contact person at the OCD for each HMCTS region, to assist listing co-ordinators.
6. The single contact person for each HMCTS region will be the Cluster Manager, with the exception of the South Eastern Circuit, where the appropriate point will be the Regional Listing Co-ordinator.

Designation of the trial judge

7. The trial judge will be assigned by the Presiding Judge at the earliest opportunity, and in accordance with CPD XIII Listing E: Allocation of Business within the Crown Court. Where the trial judge is unable to continue with the case, all further pre-trial hearings should be by a single judge until a replacement has been assigned.

Procedure after charge

8. Within 24 hours of the laying of a charge, a representative of the OCD will notify the Cluster Manager of the following information to enable an agreement to be reached between the Cluster Manager and the reviewing CPS lawyer before the first appearance as to the DCC to which the case should be sent or committed:
 - (a) the full name of each defendant and the name of his legal representatives, if known;
 - (b) the charges laid; and
 - (c) the name and contact details of the Crown Prosecutor with responsibility for the case.

Exceptions

9. Where it is not possible to have a case dealt with at a DCC, the OCD should liaise closely with the relevant Cluster Manager and the Presiding Judges to ensure that the cases are sent to the most appropriate court centre. This will, among other things, take into account the location of the likely source of the case, convenience of the witnesses, travelling distance for OCD staff and facilities at the court centres.
10. In the event that it is allocated to a non-designated court centre, the OCD should be permitted to make representations in writing to the Presiding Judges within 14 days as to why the venue is not suitable. The Presiding Judges will consider the reasons and, if necessary, hold a hearing. The CPS may renew their request at any stage where further reasons come to light that may affect the original decision on venue.
11. Nothing in this protocol should be taken to remove the right of the defence to make representations as to the venue.

Lord Chief Justice

18 March 2015