

PART 3 CASE MANAGEMENT

Contents of this Part

General rules

When this Part applies	rule 3.1
The duty of the court	rule 3.2
The duty of the parties	rule 3.3
Case progression officers and their duties	rule 3.4
The court's case management powers	rule 3.5
Application to vary a direction	rule 3.6
Agreement to vary a time limit fixed by a direction	rule 3.7
Court's power to vary requirements under this Part	rule 3.8
Case preparation and progression	rule 3.9
Readiness for trial or appeal	rule 3.10
Conduct of a trial or an appeal	rule 3.11
Duty of court officer	rule 3.12

Preparation for trial in the Crown Court

Pre-trial hearings in the Crown Court: general rules	rule 3.13
Preparatory hearing	rule 3.14
Application for preparatory hearing	rule 3.15
Application for non-jury trial containing information withheld from a defendant	rule 3.16
Representations in response to application for preparatory hearing	rule 3.17
Commencement of preparatory hearing	rule 3.18
Defence trial advocate	rule 3.19
Application to stay case for abuse of process	rule 3.20
Application for joint or separate trials, etc.	rule 3.21
Order for joint or separate trials, or amendment of the indictment	rule 3.22
Application for indication of sentence	rule 3.23
Arraigning the defendant on the indictment	rule 3.24
Place of trial	rule 3.25
Use of Welsh language at trial	rule 3.26

Preparation for trial in a magistrates' court

Pre-trial hearings in a magistrates' court: general rules	rule 3.27
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Medical reports

Directions for commissioning medical reports, other than for sentencing purposes	rule 3.28
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Ground rules hearings

<u>Ground rules hearing</u>	<u>rule 3.29</u>
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GENERAL RULES

When this Part applies

— Rules 3.1 to 3.12 apply to the management of each case in a magistrates' court and in the Crown Court (including an appeal to the Crown Court) until the conclusion of that case.

- (1) Rules 3.13 to 3.26 apply where—
 - (a) the defendant is sent to the Crown Court for trial;
 - (b) a High Court or Crown Court judge gives permission to serve a draft indictment; or
 - (c) the Court of Appeal orders a retrial.
- (2) Rule 3.27 applies in a magistrates' court unless—
 - (a) the court sends the defendant for trial in the Crown Court; or
 - (b) the case is one to which rule 24.8 or rule 24.9 applies (Written guilty plea: special rules; Single justice procedure: special rules).
- (3) Rules 3.28 and 3.29 apply in a magistrates' court and in the Crown Court (including on an appeal to the Crown Court).

[Note. Rules that apply to procedure in the Court of Appeal are in Parts 36 to 42 of these Rules.

A magistrates' court may send a defendant for trial in the Crown Court under section 51 or 51A of the Crime and Disorder Act 1998⁽¹⁾. See Part 9 for the procedure on allocation and sending for trial.

Under paragraph 2(1) of Schedule 17 to the Crime and Courts Act 2013⁽²⁾ and section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933⁽³⁾, the Crown Court may give permission to serve a draft indictment where it approves a deferred prosecution agreement. See Part 11 for the rules about that procedure and Part 10 for the rules about indictments.

The procedure for applying for the permission of a High Court judge to serve a draft indictment is in rules 6 to 10 of the Indictments (Procedure) Rules 1971⁽⁴⁾. See also the Practice Direction.

The Court of Appeal may order a retrial under section 8 of the Criminal Appeal Act 1968⁽⁵⁾ (on a defendant's appeal against conviction) or under section 77 of the Criminal Justice Act 2003⁽⁶⁾ (on a prosecutor's application for the retrial of a serious offence after acquittal). Section 8 of the 1968 Act, section 84 of the 2003 Act and rules 27.6 and 39.14 require the arraignment of a defendant within 2 months.

The circumstances in which the court may commission a medical examination of a defendant and a report, other than for sentencing purposes, are listed in rule 3.28.]

¹₀ 1998 c. 37; section 51 was substituted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) and amended by section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4). Section 51A was inserted by paragraphs 15 and 18 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) and amended by section 49 of, and paragraph 5 of Schedule 1 to, the Violent Crime Reduction Act 2006 (c. 38) and paragraph 6 of Schedule 21 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

²₀ 2013 c. 22.

³₀ 1933 c. 36; section 2 was amended by Part IV of Schedule 11 to, the Courts Act 1971 (c. 23), Schedule 5 to, the Senior Courts Act 1981 (c. 54), Schedule 2 to the Prosecution of Offences Act 1985 (c. 23), paragraph 1 of Schedule 2 to the Criminal Justice Act 1987 (c. 38), paragraph 10 of Schedule 15 to the Criminal Justice Act 1988 (c. 33), paragraph 8 of Schedule 6 to the Criminal Justice Act 1991 (c. 53), Schedule 1 to the Statute Law (Repeals) Act 1993, paragraph 17 of Schedule 1 to the Criminal Procedure and Investigations Act 1996 (c. 25), paragraph 5 of Schedule 8 to the Crime and Disorder Act 1998 (c. 37), paragraph 34 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), paragraph 1 of the Schedule to S.I. 2004/2035, section 12 of, and paragraph 7 of Schedule 1 to, the Constitutional Reform Act 2005 (c. 4), sections 116 and 178 of, and Part 3 of Schedule 23 to, the Coroners and Justice Act 2009 (c. 25), paragraph 32 of Schedule 17 to the Crime and Courts Act 2013 (c. 22) and section 82 of the Deregulation Act 2015 (c. 20).

⁴₀ S. I. 1971/2084; amended by S.I. 1997/711, 2000/3360.

⁵₀ 1968 c. 19; section 8 was amended by Section 12 of, and paragraph 38 of Schedule 2 to, the Bail Act 1976 (c. 63), section 56 of, and Part IV of Schedule 11 to, the Courts Act 1971 (c. 23), section 65 of, and paragraph 36 of Schedule 3 to, the Mental Health (Amendment) Act 1982 (c. 51), section 148 of, and paragraph 23 of Schedule 4 to, the Mental Health Act 1983 (c. 20), section 43 of the Criminal Justice Act 1988 (c. 33), section 168 of, and paragraph 19 of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 58 of the Access to Justice Act 1999 (c. 22), sections 41 and 332 of, and paragraph 43 of Schedule 3 to, and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44) and section 32 of, and paragraph 2 of Schedule 4 to, the Mental Health Act 2007 (c. 12).

⁶₀ 2003 c. 44.

The duty of the court

— The court must further the overriding objective by actively managing the case.

(4) Active case management includes—

- (a) the early identification of the real issues;
- (b) the early identification of the needs of witnesses;
- (c) achieving certainty as to what must be done, by whom, and when, in particular by the early setting of a timetable for the progress of the case;
- (d) monitoring the progress of the case and compliance with directions;
- (e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;
- (f) discouraging delay, dealing with as many aspects of the case as possible on the same occasion, and avoiding unnecessary hearings;
- (g) encouraging the participants to co-operate in the progression of the case; and
- (h) making use of technology.

(5) The court must actively manage the case by giving any direction appropriate to the needs of that case as early as possible.

(6) Where appropriate live links are available, making use of technology for the purposes of this rule includes directing the use of such facilities, whether an application for such a direction is made or not—

- (a) for the conduct of a pre-trial hearing, including a pre-trial case management hearing;
- (b) for the defendant's attendance at such a hearing—
 - (i) where the defendant is in custody, or where the defendant is not in custody and wants to attend by live link, but
 - (ii) only if the court is satisfied that the defendant can participate effectively by such means, having regard to all the circumstances including whether the defendant is represented or not; and
- (c) for receiving evidence under one of the powers to which the rules in Part 18 apply (Measures to assist a witness or defendant to give evidence).

(7) Where appropriate telephone facilities are available, making use of technology for the purposes of this rule includes directing the use of such facilities, whether an application for such a direction is made or not, for the conduct of a pre-trial case management hearing—

- (a) if telephone facilities are more convenient for that purpose than live links;
- (b) unless at that hearing the court expects to take the defendant's plea; and
- (c) only if—
 - (i) the defendant is represented, or
 - (ii) exceptionally, the court is satisfied that the defendant can participate effectively by such means without a representative.

[Note. In relation to the defendant's attendance by live link at a pre-trial hearing, see sections 46ZA and 47 of the Police and Criminal Evidence Act 1984⁽⁷⁾ and sections 57A to 57D and 57F of the Crime and Disorder Act 1998⁽⁸⁾.

⁷() 1984 c. 60; section 46ZA was inserted by section 46 of the Police and Justice Act 2006 (c. 48) and amended by section 107 of the Coroners and Justice Act 2009 (c. 25). Section 47 was amended by sections 27, 29 and 168 of, and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 46 of the Crime and Disorder Act 1998 (c. 37), section 109 of, and paragraph 283 of Schedule 8 to, the Courts Act 2003 (c. 39), sections 12 and 28 of, and paragraphs 1 and 10 of Schedule 1 and paragraphs 1 and 6 of Schedule 2 to, the Criminal Justice Act 2003 (c. 44), sections 10 and 46 of, and paragraphs 1, 6 and 11 of Schedule 6 to, the Police and Justice Act 2006 (c. 48) and section 1 of the Police (Detention and Bail) Act 2011 (c. 9).

⁸() 1998 c. 37; sections 57A to 57E were substituted for section 57 as originally enacted by section 45 of the Police and Justice Act 2006 (c. 48). Section 57A was amended by section 109 of the Coroners and Justice Act 2009 (c. 25) and section 105 of,

In relation to the giving of evidence by a witness and the giving of evidence by the defendant, see section 32 of the Criminal Justice Act 1988⁽⁹⁾, sections 19, 24 and 33A of the Youth Justice and Criminal Evidence Act 1999⁽¹⁰⁾ and section 51 of the Criminal Justice Act 2003⁽¹¹⁾. Part 18 (Measures to assist a witness or defendant to give evidence) contains relevant rules.]

The duty of the parties

— Each party must—

- (d) actively assist the court in fulfilling its duty under rule 3.2, without or if necessary with a direction; and
 - (e) apply for a direction if needed to further the overriding objective.
- (8) Active assistance for the purposes of this rule includes—
- (a) at the beginning of the case, communication between the prosecutor and the defendant at the first available opportunity and in any event no later than the beginning of the day of the first hearing;
 - (b) after that, communication between the parties and with the court officer until the conclusion of the case;
 - (c) by such communication establishing, among other things—
 - (i) whether the defendant is likely to plead guilty or not guilty,
 - (ii) what is agreed and what is likely to be disputed,
 - (iii) what information, or other material, is required by one party of another, and why, and
 - (iv) what is to be done, by whom, and when (without or if necessary with a direction);
 - (d) reporting on that communication to the court—
 - (i) at the first hearing, and
 - (ii) after that, as directed by the court; and
 - (e) alerting the court to any reason why—
 - (i) a direction should not be made in any of the circumstances listed in rule 3.2(4) or (5) (The duty of the court: use of live link or telephone facilities), or
 - (ii) such a direction should be varied or revoked.

...

Case preparation and progression

3.9.— At every hearing, if a case cannot be concluded there and then the court must give directions so that it can be concluded at the next hearing or as soon as possible after that.

- (9) At every hearing the court must, where relevant—
 - (a) if the defendant is absent, decide whether to proceed nonetheless;
 - (b) take the defendant's plea (unless already done) or if no plea can be taken then find out whether the defendant is likely to plead guilty or not guilty;

and paragraphs 36 and 39 of Schedule 12 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). Sections 57B, 57C and 57D were amended by section 106 of the Coroners and Justice Act 2009 (c. 25). Section 57F was inserted by section 109 of the Coroners and Justice Act 2009 (c. 25).

⁹(0) 1988 c. 33; section 32 was amended by section 55 of the Criminal Justice Act 1991 (c. 53), section 29 of, and paragraph 16 of Schedule 2 to, the Criminal Appeal Act 1995 (c. 35), section 62 of the Criminal Procedure and Investigations Act 1996 (c. 25), section 67 of, and Schedule 6 and paragraph 3 of Schedule 7 to, the Youth Justice and Criminal Evidence Act 1999 (c. 23) and article 3 of, and paragraphs 24 and 26 of the Schedule to S.I. 2004/2035.

¹⁰(0) 1999 c. 23; section 24 was amended by paragraph 385 of Schedule 8 to, and Schedule 10 to, the Courts Act 2003 (c. 39) and section 102(1) of the Coroners and Justice Act 2009 (c. 25). Section 33A was inserted by section 47 of the Police and Justice Act 2006 (c. 48).

¹¹(0) 2003 c. 44.

- (c) set, follow or revise a timetable for the progress of the case, which may include a timetable for any hearing including the trial or (in the Crown Court) the appeal;
 - (d) in giving directions, ensure continuity in relation to the court and to the parties' representatives where that is appropriate and practicable; and
 - (e) where a direction has not been complied with, find out why, identify who was responsible, and take appropriate action.
- (10) In order to prepare for the trial, the court must take every reasonable step—
- (a) to encourage and to facilitate the attendance of witnesses when they are needed; and
 - (b) to facilitate the participation of any person, including the defendant.
- (11) Facilitating the participation of the defendant includes finding out whether the defendant needs interpretation because—
- (a) the defendant does not speak or understand English; or
 - (b) the defendant has a hearing or speech impediment.
- (12) Where the defendant needs interpretation—
- (a) the court officer must arrange for interpretation to be provided at every hearing which the defendant is due to attend;
 - (b) interpretation may be by an intermediary where the defendant has a speech impediment, without the need for a defendant's evidence direction;
 - (c) on application or on its own initiative, the court may require a written translation to be provided for the defendant of any document or part of a document, unless—
 - (i) translation of that document, or part, is not needed to explain the case against the defendant, or
 - (ii) the defendant agrees to do without and the court is satisfied that the agreement is clear and voluntary and that the defendant has had legal advice or otherwise understands the consequences;
 - (d) on application by the defendant, the court must give any direction which the court thinks appropriate, including a direction for interpretation by a different interpreter, where—
 - (i) no interpretation is provided,
 - (ii) no translation is ordered or provided in response to a previous application by the defendant, or
 - (iii) the defendant complains about the quality of interpretation or of any translation.
- (13) Facilitating the participation of any person includes giving directions for the appropriate treatment and questioning of a witness or the defendant, especially where the court directs that such questioning is to be conducted through an intermediary.
- (14) Where directions for appropriate treatment and questioning are required, the court must—
- (a) invite representations by the parties and by any intermediary; and
 - (b) set ground rules for the conduct of the questioning, which rules may include—
 - (i) a direction relieving a party of any duty to put that party's case to a witness or a defendant in its entirety,
 - (ii) directions about the manner of questioning,
 - (iii) directions about the duration of questioning,
 - (iv) if necessary, directions about the questions that may or may not be asked,
 - (v) directions about the means by which any intermediary may invite the court's intervention in questioning, if necessary,
 - (vi) ~~(v)~~ where there is more than one defendant, the allocation among them of the topics about which a witness may be asked, and
 - (vii) ~~(vi)~~ directions about the use of models, plans, body maps or similar aids to help communicate a question or an answer.

[Note. Part 18 (Measures to assist a witness or defendant to give evidence) contains rules about an application for a defendant's evidence direction under (among other provisions) sections 33BA and 33BB of the Youth Justice and Criminal Evidence Act 1999⁽¹²⁾.

See also Directive 2010/64/EU of the European Parliament and of the Council of 20th October, 2010, on the right to interpretation and translation in criminal proceedings⁽¹³⁾.

Where a trial in the Crown Court will take place in Wales and a participant wishes to use the Welsh language, see rule 3.26. Where a trial in a magistrates' court will take place in Wales, a participant may use the Welsh language: see rule 24.14.]

...

Duty of court officer

3.12. The court officer must—

- (a) where a person is entitled or required to attend a hearing, give as much notice as reasonably practicable to—
 - (i) that person, and
 - (ii) that person's custodian (if any);
- (b) where the court gives directions, promptly make a record available to the parties.

[Note. See also rule 5.7 (Supply to a party of information or documents from records or case materials).]

PREPARATION FOR TRIAL IN THE CROWN COURT

Pre-trial hearings in the Crown Court: general rules

3.13.— The Crown Court—

- (c) may, and in some cases must, conduct a preparatory hearing where rule 3.14 applies;
- (d) must conduct a plea and trial preparation hearing;
- (e) may conduct a further pre-trial case management hearing (and if necessary more than one such hearing) only where—
 - (i) the court anticipates a guilty plea,
 - (ii) it is necessary to conduct such a hearing in order to give directions for an effective trial, or
 - (iii) such a hearing is required to set ground rules for the conduct of the questioning of a witness or defendant.
- (2) At the plea and trial preparation hearing the court must—
 - (a) satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), that the defendant will receive credit for a guilty plea;
 - (b) take the defendant's plea in accordance with rule 3.24 (Arraigning the defendant on the indictment) or if no plea can be taken then find out whether the defendant is likely to plead guilty or not guilty;
 - (c) unless the defendant pleads guilty, satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), that at the trial—
 - (i) the defendant will have the right to give evidence after the court has heard the prosecution case,
 - (ii) if the defendant does not attend, the trial may take place in the defendant's absence,

¹²() 1999 c. 23; sections 33BA and 33BB are inserted by section 104 of the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.

¹³() OJ L 280, 26.10.2010, p.1.

- (iii) if the trial takes place in the defendant's absence, the judge may inform the jury of the reason for that absence, and
- (iv) where the defendant is released on bail, failure to attend court when required is an offence for which the defendant may be arrested and punished and bail may be withdrawn; and
- (d) give directions for an effective trial.
- (2) A pre-trial case management hearing—
 - (a) must be in public, as a general rule, but all or part of the hearing may be in private if the court so directs; and
 - (b) must be recorded, in accordance with rule 5.5 (Recording and transcription of proceedings in the Crown Court).
- (3) Where the court determines a pre-trial application in private, it must announce its decision in public.
- (4) The court—
 - (a) at the first hearing in the Crown Court must require a defendant who is present—
 - (i) to provide, in writing or orally, his or her name, date of birth and nationality, or
 - (ii) to confirm that information by those means, where the information was given to the magistrates' court which sent the defendant for trial; and
 - (b) at any subsequent hearing may require such a defendant to provide or confirm that information by those means.

[Note. See also the general rules in the first section of this Part (rules 3.1 to 3.12) and the other rules in this section.

The Practice Direction lists the circumstances in which a further pre-trial case management hearing is likely to be needed in order to give directions for an effective trial.

There are rules relevant to applications which may be made at a pre-trial hearing in Part 6 (Reporting, etc. restrictions), Part 14 (Bail and custody time limits), Part 15 (Disclosure), Part 17 (Witness summonses, warrants and orders), Part 18 (Measures to assist a witness or defendant to give evidence), Part 19 (Expert evidence), Part 20 (Hearsay evidence), Part 21 (Evidence of bad character), Part 22 (Evidence of a complainant's previous sexual behaviour) and Part 23 (Restriction on cross-examination by a defendant).

On an application to which Part 14 (Bail and custody time limits) applies, rule 14.2 (exercise of court's powers under that Part) may require the defendant's presence, which may be by live link. Where rule 14.10 applies (Consideration of bail in a murder case), the court officer must arrange for the Crown Court to consider bail within 2 business days of the first hearing in the magistrates' court.

Under section 40 of the Criminal Procedure and Investigations Act 1996⁽¹⁴⁾, a pre-trial ruling about the admissibility of evidence or any other question of law is binding unless it later appears to the court in the interests of justice to discharge or vary that ruling.

Under section 86A of the Courts Act 2003⁽¹⁵⁾, Criminal Procedure Rules must specify stages of proceedings at which the court must require the information listed in rule 3.13(5). A person commits an offence if, without reasonable excuse, that person fails to comply with such a requirement, whether by providing false or incomplete information or by providing no information.]

...

¹⁴() 1996 c. 25.

¹⁵() 2003 c. 39; section 86A is inserted by section 162 of the Policing and Crime Act 2017 (c. 3), with effect from a date to be appointed.

PREPARATION FOR TRIAL IN A MAGISTRATES' COURT

Pre-trial hearings in a magistrates' court: general rules

3.27.— A magistrates' court—

- (c) must conduct a preparation for trial hearing unless—
 - (i) the court sends the defendant for trial in the Crown Court, or
 - (ii) the case is one to which rule 24.8 or rule 24.9 applies (Written guilty plea: special rules; Single justice procedure: special rules);
- (d) may conduct a further pre-trial case management hearing (and if necessary more than one such hearing) only where—
 - (i) the court anticipates a guilty plea,
 - (ii) it is necessary to conduct such a hearing in order to give directions for an effective trial, or
 - (iii) such a hearing is required to set ground rules for the conduct of the questioning of a witness or defendant.
- (5) At a preparation for trial hearing the court must give directions for an effective trial.
- (6) At a preparation for trial hearing, if the defendant is present the court must—
 - (a) satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), that the defendant will receive credit for a guilty plea;
 - (b) take the defendant's plea or if no plea can be taken then find out whether the defendant is likely to plead guilty or not guilty; and
 - (c) unless the defendant pleads guilty, satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary), that at the trial—
 - (i) the defendant will have the right to give evidence after the court has heard the prosecution case,
 - (ii) if the defendant does not attend, the trial is likely to take place in the defendant's absence, and
 - (iii) where the defendant is released on bail, failure to attend court when required is an offence for which the defendant may be arrested and punished and bail may be withdrawn.
- (7) A pre-trial case management hearing must be in public, as a general rule, but all or part of the hearing may be in private if the court so directs.
- (8) The court—
 - (a) at the first hearing in the case must require a defendant who is present to provide, in writing or orally, his or her name, date of birth and nationality; and
 - (b) at any subsequent hearing may require such a defendant to provide that information by those means.

[Note. At the first hearing in a magistrates' court the court may, and in some cases must, send the defendant to the Crown Court for trial, depending upon (i) the classification of the offence, (ii) the defendant's age, (iii) whether the defendant is awaiting Crown Court trial for another offence, (iv) whether another defendant charged with the same offence is awaiting Crown Court trial, and (v) in some cases, the value of property involved. See also Part 9 (Allocation and sending for trial).

Under section 11 of the Magistrates' Courts Act 1980¹⁶, where the defendant does not attend the trial, where the defendant is at least 18 years old, and subject to some exceptions, then the court

¹⁶(1) 1980 c. 43; section 11 was amended by section 123 of, and paragraph 1 of Schedule 8 to, the Criminal Justice Act 1988 (c. 33), section 168 of, and paragraph 39 of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 119 of, and paragraph 39 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37), paragraphs 25 and 26 of Schedule 32 to

must proceed in his or her absence unless it appears to the court to be contrary to the interests of justice to do so. Where the defendant does not attend the trial and he or she is under 18 then, again subject to some exceptions, the court may proceed in his or her absence.

Under sections 8A and 8B of the Magistrates' Courts Act 1980⁽¹⁷⁾, a pre-trial ruling about the admissibility of evidence or any other question of law is binding unless it later appears to the court in the interests of justice to discharge or vary that ruling.

Under section 86A of the Courts Act 2003⁽¹⁸⁾, Criminal Procedure Rules must specify stages of proceedings at which the court must require the information listed in rule 3.27(5) and may specify other stages of proceedings when such requirements may be imposed. A person commits an offence if, without reasonable excuse, that person fails to comply with such a requirement, whether by providing false or incomplete information or by providing no information.]

...

GROUND RULES HEARINGS

Ground rules hearing

3.29.— Where the court approves or appoints an intermediary—

- (c) the court must convene a pre-trial case management hearing for the purposes of this rule; and
 - (d) unless the court otherwise directs, the parties and the intermediary must attend that hearing.
- (9) At that hearing—
- (a) the court must—
 - (i) in every case, set ground rules for the conduct of questioning of the witness or defendant (as the case may be), and
 - (ii) where the court appoints an intermediary to facilitate a defendant's effective participation, give such other directions for that purpose as may be required;
 - (b) each party and the intermediary must actively assist the court in setting such ground rules and giving such directions; and
 - (c) despite rule 3.12(b) (court officer's duty to make a record of directions), the court may require the parties—
 - (i) to make a record of those ground rules and directions, and
 - (ii) to serve that record on each other and on the court officer.
- (10) In setting such ground rules and giving such directions, the court must have regard to—
- (a) the intermediary's report;
 - (b) the parties' representations; and
 - (c) such further information or advice from the intermediary as the court requires.
- (11) The ground rules for questioning set by the court may include any listed in rule 3.9(7)(b).
- (12) The directions given by the court may include any about—
- (a) the timetable for the trial, including the taking of breaks during proceedings;

the Criminal Justice Act 2003 (c. 44), section 54 of the Criminal Justice and Immigration Act 2008 (c. 4) and sections 48 and 50 of, and paragraphs 2 and 4 of Schedule 11 to, the Criminal Justice and Courts Act 2015 (c. 2).

¹⁷() 1980 c. 43; section 8A was inserted by section 45 of, and Schedule 3 to, the Courts Act 2003 (c. 39) and amended by SI 2006/2493 and paragraphs 12 and 14 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). Section 8B was inserted by section 45 of, and Schedule 3 to, the Courts Act 2003 (c. 39) and amended by paragraph 51 of Schedule 3, and Part 4 of Schedule 37, to the Criminal Justice Act 2003 (c. 44).

¹⁸() 2003 c. 39; section 86A is inserted by section 162 of the Policing and Crime Act 2016 (c. 3), with effect from a date to be appointed.

- (b) seating arrangements in the court room for the defendant, the defendant's advocate and legal representative, the intermediary and any parent, guardian or other companion of the defendant; and
- (c) any explanation to be given to the jury, if there is one, of—
 - (i) the witness' or the defendant's communication needs and behaviour (as the case may be), and
 - (ii) the role of the intermediary.

[Note. Rule 3.9 (Case preparation and progression) requires the court to take every reasonable step to facilitate the participation of any person, including the giving of directions for the appropriate treatment and questioning of a witness or the defendant.]

See also rule 3.13 (Pre-trial hearings in the Crown Court: general rules) and rule 3.27 (Pre-trial hearings in a magistrates' court: general rules).]

...