



Ministry
of Justice

Gareth Johnson MP
Parliamentary Under
Secretary of State for
Justice

Sir Bob Neill MP
Chair, Justice Select Committee
House of Commons
SW1A 0AA

MoJ ref: JSCPrivPros

25 October 2022

Dear Sir Bob,

PRIVATE PROSECUTIONS: SAFEGUARDS

My predecessor James Cartlidge MP wrote on 13 January to update you on our response to your committee's Ninth Report. I am now writing to report some further developments.

James explained that the Criminal Procedure Rule Committee had agreed to consider circumstances in which it might be appropriate for a court to alert a defendant to the power of the Director of Public Prosecutions to intervene in a private prosecution. The Rule Committee decided, after discussion with the Director, magistrates' representatives and HM Courts and Tribunals Service, to amend the rules to require that summonses issued on the application of a private prosecutor should identify the prosecutor, so that defendants could if they wished oppose the continuation of the proceedings in the court, or invite the Director to intervene, or both, and to list in the rule the circumstances in which magistrates' courts may refuse to issue a summons.

In response to the High Court judgment in *R (TM Eye Ltd) v Southampton Crown Court*, the Rule Committee also decided to amend the rules so as to require the court to be given information corresponding with what the costs assessment regulations require for assessment staff, so that the court will be better equipped to decide on the order to be made.

These rule changes are incorporated in the Criminal Procedure (Amendment No.2) Rules 2022, which are now in force.

Yours sincerely,

GARETH JOHNSON MP