
 STATUTORY INSTRUMENTS

1986 No. 2151 (L. 17)
SUPREME COURT OF ENGLAND AND WALES
The Crown Court (Amendment) Rules 1986

<i>Made - - - -</i>	<i>8th December 1986</i>
<i>Laid before Parliament</i>	<i>9th December 1986</i>
<i>Coming into Operation</i>	<i>30th December 1986</i>

We, the Crown Court Rule Committee, in exercise of the powers conferred upon us by sections 84(1) and 86 of the Supreme Court Act 1981(a) and section 27(6) of the Drug Trafficking Offences Act 1986 (b), hereby make the following Rules:—

1. These Rules may be cited as the Crown Court (Amendment) Rules 1986 and shall come into operation on 30th December 1986.

2. The Crown Court Rules 1982(c) shall be amended by the insertion after Rule 25 of the following Rules:—

“Statements relating to drug trafficking

25A.—(1) Where, in any proceedings in respect of a drug trafficking offence, the prosecutor or the defendant proposes to tender to the Crown Court any statement or other document under section 3 of the Drug Trafficking Offences Act 1986 he shall give a copy thereof as soon as practicable to the defendant or the prosecutor, as the case may be, and to the appropriate officer of the Crown Court.

(2) The appropriate officer of the Crown Court shall notify the prosecutor and the defendant as to the time within which any such statement or other document is required by the Crown Court to be tendered.

(3) Any statement tendered to the Crown Court by the prosecutor under section 3(1)(a) of the said Act of 1986 shall include the following particulars, namely—

- (a) the name of the defendant;
- (b) the name of the person by whom the statement is tendered;
- (c) if the statement is tendered after the defendant has been convicted, the date on which and the place where the relevant conviction occurred;
- (d) such information known to the prosecutor as is relevant to the determination whether the defendant has benefited from drug trafficking and to the assessment of the value of his proceeds of drug trafficking, together with an indication (so far as is known) of the dates on which any relevant payments or rewards were received by the defendant and their values.

(4) Expressions used in this Rule have the same meanings as in the said Act of 1986.

(a) 1981 c.54.

(b) 1986 c.32.

(c) S.I. 1982/1109, to which there are amendments not relevant to these Rules.

Investigation into drug trafficking – discharge and variation of orders

25B.—(1) Where an order under section 27 of the Drug Trafficking Offences Act 1986 has been made, the person required to comply with it may apply in writing to the appropriate officer of the Crown Court for the order to be discharged or varied, and on hearing such an application a Circuit judge may discharge the order or make such variations to it as he thinks fit.

(2) Subject to paragraph (3) below, where a person proposes to make an application under paragraph (1) above for the discharge or variation of an order, he shall give a copy of the application, not later than 48 hours before the making of the application, to a constable at the police station from which the application for the order was made, together with a notice indicating the time and place at which the application for discharge or variation is to be made.

(3) A Circuit judge may direct that paragraph (2) above need not be complied with if he is satisfied that the person making the application has good reason to seek a discharge or variation of the order as soon as possible and it is not practicable to comply with that paragraph.

(4) In this Rule—

“constable” includes a person commissioned by the Commissioners of Customs and Excise;

“police station” includes a place for the time being occupied by Her Majesty’s Customs and Excise.”.

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Dated 8th December 1986.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Crown Court Rules 1982 so as to insert two new Rules 25A and 25B in connection with certain provisions in the Drug Trafficking Offences Act 1986. Rule 25A contains procedural provisions relating to the statements and other documents referred to in section 3 of that Act, which is concerned with the determination by the Crown Court whether a person has benefited from drug trafficking and the assessment by that court of the value of a person’s proceeds of drug trafficking. Rule 25B contains provisions as to the discharge and variation of orders under section 27 of that Act for the production of material relevant to investigations into drug trafficking.

The Rules, by virtue of Rule 1, come into operation on 30th December 1986.

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