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STATUTORY INSTRUMENTS

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**1991 No. 1288 (L.13)**

**SUPREME COURT OF ENGLAND AND WALES**

**The Crown Court (Amendment) Rules 1991**

*Made* - - - - - *27th May 1991*  
*Laid before Parliament* *10th June 1991*  
*Coming into force* - - - *1st July 1991*

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(1), and section 10 of the Criminal Justice (International Co-operation) Act 1990(2), hereby make the following Rules:

1. These Rules may be cited as the Crown Court (Amendment) Rules 1991 and shall come into force on 1st July 1991.
2. The Crown Court Rules 1982(3) shall be amended by the insertion after rule 29 of the following rules:

**“Service of summons or order outside the United Kingdom**

**30.** Where a witness summons or order is issued or made by the Crown Court in accordance with section 2(1) of the Criminal Justice (International Co-operation) Act 1990 for service outside the United Kingdom it shall be sent forthwith by the appropriate officer of the Crown Court to the Secretary of State with a view to its being served there in accordance with arrangements made by the Secretary of State.

**Application for letters of request**

**31.—(1)** Notice of an application under section 3(1) of the Criminal Justice (International Co-operation) Act 1990 (overseas evidence for use in the United Kingdom) shall be given to the appropriate officer of the Crown Court and shall—

- (a) be made in writing, save that the court may in exceptional circumstances dispense with the need for notice;
- (b) state the particulars of the offence which it is alleged has been committed or the grounds upon which it is suspected that an offence has been committed;

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(1) 1981 c. 54.  
(2) 1990 c. 5.  
(3) S.I.1982/1109, to which there are amendments not relevant to these Rules.

- (c) state whether proceedings in respect of the offence have been instituted or the offence is being investigated;
  - (d) include particulars of the assistance requested in the form of a draft letter of request.
- (2) The application may be heard ex parte.
- (3) When hearing the application the court may, if it thinks it necessary in the interests of justice, direct that the public be excluded from the court.
- (4) The powers conferred on the Crown Court by paragraph (3) above shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.
- (5) Where in a case of urgency the Crown Court sends a letter of request direct to any court or tribunal in accordance with section 3(5) of the Criminal Justice (International Cooperation) Act 1990, the appropriate officer of the Crown Court shall forthwith notify the Secretary of State of this and send with the notification a copy of the letter of request.

#### **Proceedings before a nominated court**

- 32.**—(1) Where the Crown Court receives evidence in proceedings before a nominated court in pursuance of a notice under section 4(2) of the Criminal Justice (International Cooperation) Act 1990 the court may, if it thinks it necessary in the interests of justice, direct that the public be excluded from the court.
- (2) The powers conferred on the Crown Court by paragraph (1) above shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.
- (3) Where the Crown Court receives evidence in proceedings mentioned in paragraph (1) above the appropriate officer of the Crown Court shall make a record of—
- (a) which persons with an interest in the proceedings were present;
  - (b) which of the said persons were represented and by whom;
  - (c) whether any of the said persons were denied the opportunity of cross-examining a witness as to any part of his testimony and the reasons for any such denial.
- (4) When so requested by the Secretary of State, the appropriate officer of the Crown Court shall send to him a copy of the record as mentioned in paragraph (3) above.

#### **Application for increase in term of imprisonment in default of payment—drug trafficking**

- 33.**—(1) The following provisions of this rule shall have effect for the purposes of applications under subsection (2) of section 15 of the Criminal Justice (International Cooperation) Act 1990 (which provides for interest on sums unpaid under confiscation orders in drug trafficking cases).
- (2) Notice of application under subsection (2) of the said section 15 to increase the term of imprisonment or detention fixed in default of payment of a confiscation order by a person (“the defendant”) shall be made by the prosecutor in writing to the appropriate officer of the Crown Court.
- (3) A notice under paragraph (2) above shall—
- (a) state the name and address of the defendant;
  - (b) specify the grounds for the application;
  - (c) give details of the enforcement measures taken, if any; and
  - (d) include a copy of the confiscation order.

(4) On receiving a notice under paragraph (2) above, the appropriate officer of the Crown Court shall—

- (a) forthwith send to the defendant and the magistrates' court required to enforce payment of the confiscation order under section 32(1) of the Powers of Criminal Courts Act 1973(4), a copy of the said notice; and
- (b) notify in writing the applicant and the defendant of the date, time and place appointed for the hearing of the application.

(5) Where the Crown Court makes an order pursuant to an application mentioned in paragraph (1) above, the appropriate officer of the Crown Court shall send forthwith a copy of the order—

- (a) to the applicant;
- (b) to the defendant;
- (c) where the defendant is at the time of the making of the order in custody, to the person having custody of him; and
- (d) to the magistrates' court mentioned in paragraph (4)(a) above.”.

*Mackay of Clashfern, C.,  
Lane, C.J.,  
Russell, L.J.,  
Rougier, J.,  
J. A. Henham,  
Michael McKenzie,  
P. F. Guggenheim,  
David Jeffreys,  
M. D. L. Kalisher,  
S. T. Hammond.*

Dated 27th May 1991

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Crown Court Rules 1982 to govern procedures arising out of the provisions of the Criminal Justice (International Co-operation) Act 1990 and the [Drug Trafficking Offences Act 1986\(c.32\)](#). Rule 30 provides for a witness summons or order issued under section 2(1) of the 1990 Act (for service outside the United Kingdom) to be sent to the Secretary of State for onward transmission. Rule 31 governs the procedure to be followed where the Crown Court is to be asked to issue a letter of request under section 3 of the 1990 Act. Rule 32 governs the procedure where the Crown Court has been nominated to receive evidence under section 4(2) of the 1990 Act. Rule 33 contains procedural provisions concerning an application under section 15(2) of the 1990 Act for the term of imprisonment or detention fixed in default of payment of a confiscation order under the 1986 Act to be increased to take account of interest on the unsatisfied order.