

2001 No. 4012

SUPREME COURT OF ENGLAND AND WALES

The Crown Court (Amendment) (No. 3) Rules 2001

Made - - - - - 14th December 2001

Laid before Parliament 18th December 2001

Coming into force - - 20th December 2001

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), hereby make the following Rules:

1.—(1) These Rules may be cited as the Crown Court (Amendment) (No. 3) Rules 2001 and shall come into force on 20th December 2001.

(2) The rules made on 27th February 2001 which are, in accordance with regulations made under section 2 of the Statutory Instruments Act 1946(b), numbered 614 in the calendar year 2001 and known as the Crown Court (Amendment) Rules 2001(c) shall be revoked.

2. The Crown Court Rules 1982(d) are amended as follows.

3. In Part III of Schedule 3 (Appeals in which the Notice of Appeal is to state the grounds of appeal)—

(a) there shall be omitted—

“

<i>Chapter</i>	<i>Act</i>	<i>Section or Schedule</i>
2000 c. 11	The Terrorism Act 2000	Section 29

”; and

(b) there shall be inserted—

“

<i>Chapter</i>	<i>Act</i>	<i>Section or Schedule</i>
2001 c. 24	The Anti-terrorism, Crime and Security Act 2001	Schedule 1, paragraph 7.

”.

4. In rule 8, for paragraph (e) there shall be substituted—

“(e) in the case of an appeal under paragraph 7 of Schedule 1 to the Anti-terrorism Crime and Security Act 2001,

(i) to any person to whom notice of the order for continued detention of cash was given in accordance with paragraph 3(4) of Schedule 1 to that Act and who has not been joined as a party to the case, and,

(a) 1981 c. 54.

(b) 1946 c. 36.

(c) To be distinguished from the Crown Court (Amendment) Rules 2001, S.I. 2001/193.

(d) S.I. 1982/1109; relevant amending instruments are S.I. 1988/952, S.I. 1988/1322 and S.I. 2001/193.

(ii) to any person who has made an application under paragraph 9(1) of Schedule 1 to that Act and who has not been joined as a party to the case.”.

5. After rule 25B there shall be inserted the following rule—

“Account monitoring orders under the Terrorism Act 2000 in relation to terrorist investigations

25C.—(1) Where a circuit judge makes an account monitoring order under paragraph 2(1) of Schedule 6A to the Terrorism Act 2000^(a) the appropriate officer of the Crown Court shall give a copy of the order to the financial institution specified in the application for the order.

(2) Where any person other than a police officer proposes to make an application under paragraph 4(1) of Schedule 6A to the Terrorism Act 2000 for the discharge or variation of an account monitoring order he shall give a copy of the proposed application, not later than 48 hours before the application is to be made, to a police officer at the police station specified in the order, together with a notice indicating the time and place at which the application for discharge or variation is to be made.”.

*Irvine of Lairg, C.
Woolf, C. J.
Master McKenzie
Kay, L. J.
Jeffrey Pegden Q.C.
E. Barnett*

14th December 2001

(a) 2000 c. 11; Schedule 6A was added by section 3 of, and Schedule 2 to, the Anti-terrorism, Crime and Security Act 2001 (c. 24).

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Crown Court Rules 1982 (the 1982 Rules) in consequence of the enactment of the Anti-terrorism, Crime and Security Act 2001 (the 2001 Act).

Section 29 of the Terrorism Act 2000 (the 2000 Act) provided for an appeal from a magistrates' court against an order for the forfeiture of detained cash. The Crown Court (Amendment) Rules 2001 provided for the procedure to be followed in the case of such an appeal. Section 29 of the 2000 Act has been repealed by the 2001 Act and replaced by paragraph 7 of Schedule 1 to that Act. These Rules make provision in respect of appeals under that paragraph in substitution for the provision made in respect of appeals, under section 29 of the 2000 Act in the Crown Court (Amendment) Rules 2001.

Rule 3 adds the appeal under paragraph 7 of Schedule 1 to the 2001 Act to the list of appeals to the Crown Court in which the notice of appeal is to state the grounds of appeal and omits that relating to section 29 of the 2000 Act. Rule 4 provides for notice of the appeal to be given to a person with an interest in proceedings who may not have been joined as parties to the case in the magistrates' court.

Account monitoring orders are provided for in Schedule 6A to the 2000 Act, which were added by section 3 and Schedule 2 to the 2001 Act. Rule 5 makes provision for service of account monitoring orders and for the giving of notice by a person, other than a police officer, who proposes to apply for the discharge or variation of such an order.

These Rules also revoke S.I. 2001/614, which bears an identical title (the Crown Court (Amendment) Rules 2001) to S.I. 2001/193. The substantive amendments to the 1982 Rules will remain in effect by virtue of the saving provisions of section 16 of the Interpretation Act 1978, as applied to subordinate legislation by section 23 of that Act.

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