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STATUTORY INSTRUMENTS

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**2015 No. 1490**

The Criminal Procedure Rules 2015

PART 11

DEFERRED PROSECUTION AGREEMENTS

**Application on breach of agreement**

- 11.5.**—(1) This rule applies where—
- (a) the prosecutor believes that the defendant has failed to comply with the terms of an agreement; and
  - (b) the prosecutor wants the court to decide—
    - (i) whether the defendant has failed to comply, and
    - (ii) if so, whether to terminate the agreement, or to invite the parties to agree proposals to remedy that failure.
- (2) The prosecutor must—
- (a) apply in writing, as soon as practicable after becoming aware of the grounds for doing so; and
  - (b) serve the application on—
    - (i) the court officer, and
    - (ii) the defendant.
- (3) The application must—
- (a) specify each respect in which the prosecutor believes the defendant has failed to comply with the terms of the agreement, and explain the reasons for the prosecutor’s belief; and
  - (b) attach a copy of any document containing evidence on which the prosecutor relies.
- (4) A defendant who wants to make representations in response to the application must serve the representations on—
- (a) the court officer; and
  - (b) the prosecutor,
- not more than 28 days after service of the application.

*[Note. See paragraph 9 of Schedule 17 to the Crime and Courts Act 2013. See also rule 11.9 (Application to postpone the publication of information by the prosecutor).]*