
STATUTORY INSTRUMENTS

2017 No. 144

The Criminal Procedure (Amendment) Rules 2017

Amendments to the Criminal Procedure Rules 2015

6. In Part 31 (Behaviour orders)—
- (a) in the note to rule 31.1 (When this Part applies), after sub-paragraph (a)(ix) of the first paragraph insert—
 - “(x) *section 20 of the Immigration Act 2016(1) (labour market enforcement orders);*”;
 - (b) in rule 31.3 (Application for behaviour order and notice of terms of proposed order: special rules)—
 - (i) for paragraph (1) substitute—
 - “(1) This rule applies where—
 - (a) a prosecutor wants the court to make one of the following orders if the defendant is convicted—
 - (i) an anti-social behaviour order (but this rule does not apply to an application for an interim anti-social behaviour order),
 - (ii) a serious crime prevention order,
 - (iii) a criminal behaviour order, or
 - (iv) a prohibition order;
 - (b) a prosecutor proposes, on the prosecutor’s initiative or at the court’s request, a sexual harm prevention order if the defendant is convicted;
 - (c) a prosecutor proposes a restraining order whether the defendant is convicted or acquitted.”;
 - (ii) in paragraph (2) after “Where paragraph (1)(a) applies” insert “(order on application)”,
 - (iii) in paragraph (5) after “Where paragraph (1)(b) applies” insert “(sexual harm prevention order proposed)”,
 - (iv) in paragraph (5)(b) omit “in a case in which a sexual harm prevention order is proposed.”,
 - (v) renumber paragraph (6) as (7), and
 - (vi) after paragraph (5) insert—
 - “(6) Where paragraph (1)(c) applies (restraining order proposed), the prosecutor must—
 - (a) serve a draft order on the court officer and on the defendant as soon as practicable (without waiting for the verdict);
 - (b) in the draft order specify—

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- (i) those prohibitions which, if the defendant is convicted, the prosecutor proposes for the purpose of protecting a person from conduct which amounts to harassment or will cause fear of violence, or
 - (ii) those prohibitions which, if the defendant is acquitted, the prosecutor proposes as necessary to protect a person from harassment by the defendant.”; and
- (c) in the note to rule 31.3—
 - (i) at the beginning of the second paragraph insert “The orders listed in rule 31.3(1)(a) may be made on application by the prosecutor. The orders to which rule 31.3(1)(b) and (c) apply require no application and may be made on the court’s own initiative.”, and
 - (ii) omit the third paragraph.