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STATUTORY INSTRUMENTS

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**2001 No. 4016 (L.33)**

**SUPREME COURT OF ENGLAND AND WALES  
COUNTY COURTS, ENGLAND AND WALES**

**The Civil Procedure (Amendment No. 6) Rules 2001**

*Made - - - - 14th December 2001*

*Laid before Parliament 17th December 2001*

*Coming into force in accordance with rule 1*

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997<sup>(1)</sup> to make rules of court under section 1 of that Act, after consulting in accordance with section 2(6)(a) of that Act, make the following Rules:—

**Citation, commencement and interpretation**

1. These Rules may be cited as the Civil Procedure (Amendment No. 6) Rules 2001 and shall come into force on the date of entry into force of section 3 of the Anti-terrorism, Crime and Security Act 2001<sup>(2)</sup>.

**Amendments to the Civil Procedure Rules 1998**

2. In RSC Order 115, in Schedule 1 to the Civil Procedure Rules 1998<sup>(3)</sup>—

(a) in rule 24, in paragraph (ba), for “proposed proceedings” substitute “any proceedings”;

(b) in rule 26(2)—

(i) for paragraph (a) substitute—

“(a) state, as the case may be, either—

(i) that proceedings have been instituted against a person for an offence under any of sections 15 to 18 of the Act and that they have not been concluded; or

(ii) that a criminal investigation has been started in England and Wales with regard to such an offence,

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<sup>(1)</sup> 1997 c. 12.

<sup>(2)</sup> 2001 c. 24.

<sup>(3)</sup> S.I. 1998/3132. RSC Order 115 was amended by S.I. 2001/1388. There are no other relevant amending instruments.

- and in either case give details of the alleged or suspected offence and of the defendant's involvement;";
- (ii) in paragraph (b), at the beginning, insert "where proceedings have been instituted,";
- (iii) after paragraph (b) insert—
- “(ba) where proceedings have not been instituted—
- (i) indicate the state of progress of the investigation and when it is anticipated that a decision will be taken on whether to institute proceedings against the defendant;
- (ii) state the grounds for believing that a forfeiture order may be made in any proceedings against the defendant; and
- (iii) verify that the prosecutor is to have the conduct of any such proceedings;”;
- (iv) omit paragraphs (d) and (e); and
- (c) in rule 27(3), after “the order and”, insert “, unless the court otherwise orders,”.

*Phillips of Worth Matravers, M.R.*  
*Andrew Morritt, V-C.*  
*Anthony May, L.J.*  
*Richard Holman*  
*Carlos Dabezies*  
*John Leslie*  
*Michael Black*  
*Michelle Stevens-Hoare*  
*Philip Rainey*  
*Juliet Herzog*  
*Alan Street*  
*Ahmad Butt*

I allow these Rules

Dated 14th December 2001

*Irvine of Lairg, C.*

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## EXPLANATORY NOTE

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

These Rules come into force on the same day as section 3 of the Anti-terrorism, Crime and Security Act 2001. They amend rules in Order 115 of the Rules of the Supreme Court in Schedule 1 to the Civil Procedure Rules 1998 governing applications to the High Court for restraint orders under Schedule 4 to the Terrorism Act 2000 (2000 c. 11) (“the 2000 Act”). The amendments are consequential upon amendments made by the Anti-terrorism, Crime and Security Act 2001 to Schedule 4 to the 2000 Act, which extend the circumstances in which a prosecutor may apply to the High Court for a restraint order, by providing that such an application may be made where a criminal investigation has been started in England and Wales with regard to a suspected offence under any of sections 15 to 18 of the 2000 Act.