
STATUTORY INSTRUMENTS

2002 No. 2783 (L. 13)

SUPREME COURT OF ENGLAND AND WALES

The Crown Court (Amendment) Rules 2002

Made - - - - *8th November 2002*
Laid before Parliament *11th November 2002*
Coming into force - - *2nd December 2002*

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), hereby make the following Rules:

1. These Rules may be cited as the Crown Court (Amendment) Rules 2002 and shall come into force on 2nd December 2002.

2. The Crown Court Rules 1982(2) shall be amended:

(1) by the insertion after rule 37, of the following:

“Orders made under section 1C of the Crime and Disorder Act(3)

38. An order made under section 1C of the Crime and Disorder Act on conviction in criminal proceedings shall be in the form set out in Schedule 13 or form to the like effect.”

(2) by the insertion of the Schedule hereto after Schedule 12.

Irvine of Lairg, C
Woolf, C. J.
Kay, L. J.
Potter, L. J.
Charles Harris, Q.C.
Peter Carter, Q.C.
Elizabeth Barnett, J. P.
Graham White

Dated 8th November 2002

(1) 1981 (c. 54).

(2) S.I.1982/1109.

(3) 1998 (c. 37). Section 1C was inserted by section 64 of the Police Reform Act 2002 (c. 30).

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Schedule 13

Rule 38

FORM

Order on Conviction(Crime and Disorder Act 1998, s 1C)

..... Crown Court
(Code)

1. On the [date] Crown Court sitting at convicted

Name: [the defendant] of

Address:

Date of Birth: of

Offence(s) [relevant offence(s)]

and imposed the following sentence/conditional discharge

2. The court found that

(i) the defendant had acted in an anti-social manner which caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself

..... [details of behaviour]

and that

(ii) an order was necessary to protect persons in England and Wales from further anti-social acts by him.

3. It is ordered that the defendant [name] is prohibited from:

.....

[Where appropriate, the court must specify whether any of the requirements of the order are suspended until the defendant's release from custody]

.....

Until [.....] [further order].

The Judge

NOTE: If without reasonable excuse the defendant does anything which he is prohibited from doing by this order, he shall be liable on conviction to a term of imprisonment not exceeding five years or to a fine or to both.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules provide a form for the order which can be made under section 1C of the Crime and Disorder Act 1998 on conviction in criminal proceedings for an offence committed after the

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commencement of section 64 of the Police Reform Act 2002. The order may be made if the court considers that the offender has acted since 1st April 1999 in an anti-social manner and that the order is necessary to protect people from further anti-social acts by him. The court can make the order on its own initiative as well as on the application by a relevant authority. An order can only be made in addition to the sentence or a conditional discharge for the offence of which the person has been convicted. The order is a preventative measure and is for the protection of others; it is not a penalty for the offence. If the offender is given a custodial sentence, the order can be suspended until his release. The order must be for a minimum of two years, or until further order. Application can be made for variation, but not for discharge, of the order within those two years. Breach of an order is a criminal offence.