
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 16

RESTRICTIONS ON REPORTING AND PUBLIC ACCESS

Excepting direction under section 46(9) of the Youth Justice and Criminal Evidence Act 1999

16.4.—(1) An application for an excepting direction under section 46(9) of the Youth Justice and Criminal Evidence Act 1999 (a direction dispensing with restrictions imposed by a reporting direction) may be made by—

- (a) any party to those proceedings; or
- (b) any person who, although not a party to the proceedings, is directly affected by a reporting direction given in relation to a witness in those proceedings.

(2) If an application for an excepting direction is made, the applicant must state why—

- (a) the effect of a reporting direction imposed places a substantial and unreasonable restriction on the reporting of the proceedings; and
- (b) it is in the public interest to remove or relax those restrictions.

(3) An application for an excepting direction may be made in writing, pursuant to paragraph (4), at any time after the commencement of the proceedings in the court or orally at a hearing of an application for a reporting direction.

(4) If the application for an excepting direction is made in writing it must be in the form set out in the Practice Direction and the applicant shall send that application to the court officer and copies shall be sent at the same time to every party to those proceedings.

(5) Any person served with a copy of an application for an excepting direction who wishes to oppose it, must notify the applicant and the court officer in writing of his opposition and give reasons for it.

(6) The notification under paragraph (5) must be given within five business days of the date the application was served on him unless an extension of time is granted under rule 16.6.

[Note. Formerly rule 5 of the Magistrates' Courts (Reports Relating to Adult Witnesses) Rules 2004 and rule 5 of the Crown Court (Reports Relating to Adult Witnesses) Rules 2004.]