
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 50

SUPPLEMENTARY ORDERS MADE ON CONVICTION

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Sexual offences prevention orders made by a magistrates' court on conviction

50.1.—(1) A sexual offences prevention order made by a magistrates' court under section 104 of the Sexual Offences Act 2003(1) shall be in the form set out in the Practice Direction.

(2) An interim sexual offences prevention order made by a magistrates' court under section 109 of the 2003 Act shall be in the form set out in the Practice Direction.

(3) As soon as reasonably practicable after a sexual offences prevention order or an interim sexual offences prevention order has been made, the court officer shall serve a copy of that order on the defendant. Any copy of an order required to be sent under this rule to the defendant shall be either given to him in person or sent by post to his last known address and, if so given or sent, shall be deemed to have been received by him, unless the defendant proves that it was not received by him.

[Note. Formerly rule 4 of the Magistrates' Courts (Sexual Offences Prevention Orders) Rules 2004(2). See also sections 104 to 113 of the Sexual Offences Act 2003(3).]

Parenting orders made by a magistrates' court on conviction

50.2.—(1) A parenting order made by a magistrates' court under section 8 of the Crime and Disorder Act 1998(4) shall be in the form set out in the Practice Direction.

(1) 2003 c. 42.

(2) S.I. 2004/1054.

(3) 2003 c. 42.

(4) 1998 c. 37; section 8 amended by paragraph 194 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), paragraph 1 of Schedule 34 and Part 12 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), section 18 of the Anti-social Behaviour Act 2003 (c. 38), section 73 and paragraphs 4(1)(a), and (2) of Part 1 of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43).

(2) A parenting order made by a magistrates' court under paragraph 9D of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000⁽⁵⁾ shall be in the form set out in the Practice Direction.

[Note. Formerly rules 7 and 8 of the Magistrates' Courts (Parenting Orders) Rules 2004⁽⁶⁾.]

Variation of certain orders by a magistrates' court

50.3.—(1) An application to a magistrates' court for variation or discharge of any of the following orders shall be by complaint:

- (a) A parenting order made under section 9(5) of the Crime and Disorder Act 1998;
- (b) A parenting order made under paragraph 9D of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000⁽⁷⁾;
- (c) a reparation order, under paragraph 5 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000; or
- (d) an action plan order, under that paragraph.

(2) An application under paragraph (1)(b) above shall be made to the magistrates' court which made the order, and shall specify the reason why the applicant for variation or discharge believes the court should vary or discharge the order, as the case may be.

[Note. Formerly rule 114 of the Magistrates' Courts Rules 1981⁽⁸⁾ and rule 9 of the Magistrates' Courts (Parenting Orders) Rules 2004.]

Anti-social behaviour orders made by the Crown Court on conviction

50.4. An order made by the Crown Court under section 1C of the Crime and Disorder Act 1998⁽⁹⁾ on conviction in criminal proceedings shall be in the form set out in the Practice Direction.

[Note. Formerly rule 38 of the Crown Court Rules 1982⁽¹⁰⁾.]

⁽⁵⁾ 2000 c. 6.

⁽⁶⁾ S.I. 2004/247.

⁽⁷⁾ Paragraph 9D of Schedule 1 was inserted by paragraph 6 of Schedule 34 of the Criminal Justice Act 2003.

⁽⁸⁾ S.I. 1981/552; amended by S.I. 1998/2167; there are other amending instruments but none is relevant to this Part.

⁽⁹⁾ 1998 c. 37; section 1C was amended by section 64 of the Police Reform Act 2002 (c. 30) and section 86(1), (2), (3) and (4) of the Anti-social Behaviour Act 2003 (c. 38).

⁽¹⁰⁾ S.I. 1982/1109; amended by S.I. 2002/2783; there are other amending instruments but none is relevant.