
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 35

EVIDENCE OF BAD CHARACTER

Application to introduce evidence of a non-defendant's bad character

35.3.—(1) This rule applies where a party wants to introduce evidence of the bad character of a person other than the defendant.

- (2) That party must serve an application to do so on—
 - (a) the court officer; and
 - (b) each other party.
- (3) The applicant must serve the application—
 - (a) as soon as reasonably practicable; and in any event
 - (b) not more than 14 days after the prosecutor discloses material on which the application is based (if the prosecutor is not the applicant).
- (4) A party who objects to the introduction of the evidence must—
 - (a) serve notice on—
 - (i) the court officer, and
 - (ii) each other partynot more than 14 days after service of the application; and
 - (b) in the notice explain, as applicable—
 - (i) which, if any, facts of the misconduct set out in the application that party disputes,
 - (ii) what, if any, facts of the misconduct that party admits instead,
 - (iii) why the evidence is not admissible, and
 - (iv) any other objection to the application.
- (5) The court—
 - (a) may determine an application—
 - (i) at a hearing, in public or in private, or
 - (ii) without a hearing;
 - (b) must not determine the application unless each party other than the applicant—
 - (i) is present, or
 - (ii) has had at least 14 days in which to serve a notice of objection;
 - (c) may adjourn the application; and
 - (d) may discharge or vary a determination where it can do so under—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) section 8B of the Magistrates' Courts Act 1980(1) (ruling at pre-trial hearing in a magistrates' court), or
- (ii) section 9 of the Criminal Justice Act 1987(2), or section 31 or 40 of the Criminal Procedure and Investigations Act 1996(3) (ruling at preparatory or other pre-trial hearing in the Crown Court).

[Note. The Practice Direction sets out a form of application for use in connection with this rule.

See also rule 35.6 (reasons for decisions must be given in public).]

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- (1) 1980 c. 43; section 8B was inserted by section 45(1) of, and Schedule 3 to, the Courts Act 2003 (c. 39) and is amended by sections 41 and 332 of, and paragraph 51 of Schedule 3 to, and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.
 - (2) 1987 c. 38; section 9 was amended by section 170 of, and Schedule 16 to, the Criminal Justice Act 1988 (c. 33), section 6 of the Criminal Justice Act 1993 (c. 36), sections 72, 74 and 80 of, and paragraph 3 of Schedule 3 and Schedule 5 to, Criminal Procedure and Investigations Act 1996 (c. 25), sections 45, 310 and 331 of, and paragraphs 18, 52 and 54 of Schedule 36, and Part 3 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), article 3 of, and paragraphs 21 and 23 of S.I. 2004/2035 and section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4). The amendment made by section 45 of the Criminal Justice Act 2003 (c. 44) is in force for certain purposes; for remaining purposes it has effect from a date to be appointed.
 - (3) 1996 c. 25; section 31 was amended by sections 310, 331 and 332 of, and paragraphs 20, 36, 65 and 67 of Schedule 36 and Schedule 37 to, the Criminal Justice Act 2003 (c. 44).