
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 6

INVESTIGATION ORDERS

SECTION 2: GENERAL RULES

Exercise of court's powers

- 6.3.**—(1) The court must determine an application for an order—
- (a) at a hearing (which will be in private unless the court otherwise directs); and
 - (b) in the applicant's presence.
- (2) The court must not determine such an application in the absence of the respondent or any other person affected, unless—
- (a) the absentee has had at least 2 business days in which to make representations; or
 - (b) the court is satisfied that—
 - (i) the applicant cannot identify or contact the absentee,
 - (ii) it would prejudice the investigation if the absentee were present, or
 - (iii) it would prejudice the investigation to adjourn or postpone the application so as to allow the absentee to attend.
- (3) The court may determine an application to vary or discharge an order—
- (a) at a hearing (which will be in private unless the court otherwise directs), or without a hearing; and
 - (b) in the absence of—
 - (i) the applicant,
 - (ii) the respondent,
 - (iii) any other person affected by the order.

Court's power to vary requirements under this Part

- 6.4.**—(1) The court may—
- (a) shorten or extend (even after it has expired) a time limit under this Part;
 - (b) dispense with a requirement for service under this Part (even after service was required); and
 - (c) consider an application made orally instead of in writing.
- (2) A person who wants an extension of time must—
- (a) apply when serving the application for which it is needed; and

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- (b) explain the delay.

Custody of documents

6.5. Unless the court otherwise directs, the court officer may—

- (a) keep a written application; or
- (b) arrange for the whole or any part to be kept by some other appropriate person, subject to any conditions that the court may impose.