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STATUTORY INSTRUMENTS

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**2010 No. 60**

**The Criminal Procedure Rules 2010**

**PART 6**

**INVESTIGATION ORDERS**

*SECTION 5: ORDERS UNDER THE CORONERS AND JUSTICE ACT 2009*

*[Note. Rule 6.5 (custody of documents) also applies.]*

**Exercise of court's powers**

**6.23.—**(1) The court may determine an application for an investigation anonymity order, and any appeal against the refusal of such an order—

- (a) at a hearing (which will be in private unless the court otherwise directs); or
- (b) without a hearing.

(2) The court must determine an application to discharge an investigation anonymity order, and any appeal against the decision on such an application—

- (a) at a hearing (which will be in private unless the court otherwise directs); and
- (b) in the presence of the person specified in the order, unless—
  - (i) that person applied for the discharge of the order,
  - (ii) that person has had an opportunity to make representations, or
  - (iii) the court is satisfied that it is not reasonably practicable to communicate with that person.

(3) The court may consider an application or an appeal made orally instead of in writing.

**Application for an investigation anonymity order**

**6.24.—**(1) This rule applies where an applicant wants a magistrates' court to make an investigation anonymity order.

(2) The applicant must—

- (a) apply in writing;
- (b) serve the application on the court officer;
- (c) identify the person to be specified in the order, unless—
  - (i) the applicant wants the court to determine the application at a hearing, or
  - (ii) the court otherwise directs;
- (d) explain how the proposed order meets the conditions prescribed by section 78 of the Coroners and Justice Act 2009(1);

- (e) say if the applicant intends to appeal should the court refuse the order;
  - (f) attach any material on which the applicant relies; and
  - (g) propose the terms of the order.
- (3) At any hearing of the application, the applicant must—
- (a) identify to the court the person to be specified in the order, unless—
    - (i) the applicant has done so already, or
    - (ii) the court otherwise directs; and
  - (b) unless the applicant has done so already, inform the court if the applicant intends to appeal should the court refuse the order.

*[Note. See section 77 of the Coroners and Justice Act 2009.]*

### **Application to discharge an investigation anonymity order**

**6.25.**—(1) This rule applies where one of the following wants a magistrates’ court to discharge an investigation anonymity order—

- (a) an applicant; or
  - (b) the person specified in the order.
- (2) That applicant or the specified person must—
- (a) apply in writing as soon as practicable after becoming aware of the grounds for doing so;
  - (b) serve the application on—
    - (i) the court officer, and as applicable
    - (ii) the applicant for the order, and
    - (iii) the specified person;
  - (c) explain—
    - (i) what material circumstances have changed since the order was made, or since any previous application was made to discharge it, and
    - (ii) why it is appropriate for the order to be discharged; and
  - (d) attach—
    - (i) a copy of the order, and
    - (ii) any material on which the applicant relies.
- (3) A party must inform the court if that party intends to appeal should the court discharge the order.

*[Note. See section 80 of the Coroners and Justice Act 2009.]*

### **Appeal**

**6.26.**—(1) This rule applies where one of the following (‘the appellant’) wants to appeal to the Crown Court—

- (a) the applicant for an investigation anonymity order, where a magistrates’ court has refused to make the order;
  - (b) a party to an application to discharge such an order, where a magistrates’ court has decided that application.
- (2) The appellant must—

- (a) serve on the Crown Court officer a copy of the application to the magistrates' court; and
  - (b) where the appeal concerns a discharge decision, notify each other party,
- not more than 21 days after the decision against which the appellant wants to appeal.
- (3) The Crown Court must hear the appeal without justices of the peace.

*[Note. See sections 79 and 80(6) of the Coroners and Justice Act 2009, and section 74 of the Senior Courts Act 1981(2).]*

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(2) 1981 c. 54; section 74 was amended by sections 79 and 106 of, and Table (4) of Part V of Schedule 15 to, the Access to Justice Act 1999 (c. 22), article 3 of, and paragraphs 11 and 12 of the Schedule to S.I. 2004/2035 and section 15 of, and paragraphs 114 and 133 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4). The Act's title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).