STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 28

SENTENCING PROCEDURES IN SPECIAL CASES

Application to remove, revoke or suspend a disqualification or restriction

28.6.—(1) This rule applies where, on application by the defendant, the court can remove, revoke or suspend a disqualification or restriction included in a sentence (except a disqualification from driving).

(2) A defendant who wants the court to exercise such a power must—

(a) apply in writing, no earlier than the date on which the court can exercise the power;

(b) serve the application on the court officer; and

(c) in the application—

(i) specify the disqualification or restriction, and

(ii) explain why the defendant wants the court to remove, revoke or suspend it.

(3) The court officer must serve a copy of the application on the chief officer of police for the local justice area.

[Note. Part 29 contains rules about disqualification from driving. See in particular rule 29.2.

Part 34 (Appeal to the Crown Court) and Part 35 (Appeal to the High Court by case stated) contain rules about applications to suspend disqualifications pending appeal.

For the circumstances in which the court may—

(a) *remove a disqualification from keeping a dog, see section 4(6) of the Dangerous Dogs Act 1991*(**1**). *The court may not consider an application made within 1 year of the disqualification; or, after that, within 1 year of any previous application that was refused.*

(b) *revoke or suspend a travel restriction order against a defendant convicted of drug trafficking, see section 35 of the Criminal Justice and Police Act 2001*(**2**). *The court may not consider an application made within 2 years of the disqualification, in any case; or, after that, before a specified period has expired.]*

(**1**) 1991 c. 65; section 4(6) was amended by section 109(1) of, and paragraph 353 of Schedule 8 to, the Courts Act 2003 (c. 39).
(**2**) 2001 c. 16; section 35 was amended by sections 39(3) of the Identity Cards Act 2006 (c. 15).