
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 17

WITNESS SUMMONSES, WARRANTS AND ORDERS

Application for summons, warrant or order: general rules

17.3.—(1) A party who wants the court to issue a witness summons, warrant or order must apply as soon as practicable after becoming aware of the grounds for doing so.

(2) A party applying for a witness summons or order must—

(a) identify the proposed witness;

(b) explain—

(i) what evidence the proposed witness can give or produce,

(ii) why it is likely to be material evidence, and

(iii) why it would be in the interests of justice to issue a summons, order or warrant as appropriate.

(3) A party applying for an order to be allowed to inspect and copy an entry in bank records must—

(a) identify the entry;

(b) explain the purpose for which the entry is required; and

(c) propose—

(i) the terms of the order, and

(ii) the period within which the order should take effect, if 3 days from the date of service of the order would not be appropriate.

(4) The application may be made orally unless—

(a) rule 17.5 applies; or

(b) the court otherwise directs.

(5) The applicant must serve any order made on the witness to whom, or the bank to which, it is directed.

[Note. The court may issue a warrant for a witness' arrest if that witness fails to obey a witness summons directed to him: see section 97(3) of the Magistrates' Courts Act 1980, paragraph 4(5) of Schedule 3 to the Crime and Disorder Act 1998 and section 4 of the Criminal Procedure (Attendance of Witnesses) Act 1965. Before a magistrates' court may issue a warrant under section 97(3) of the 1980 Act, the witness must first be paid or offered a reasonable amount for costs and expenses.]