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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 17**

**WITNESS SUMMONSES, WARRANTS AND ORDERS**

**Application to withdraw a summons, warrant or order**

**17.7.**—(1) The court may withdraw a witness summons, warrant or order if one of the following applies for it to be withdrawn—

- (a) the party who applied for it, on the ground that it no longer is needed;
- (b) the witness, on the grounds that he was not aware of any application for it and—
  - (i) he cannot give or produce evidence likely to be material evidence, or
  - (ii) even if he can, his duties or rights, including rights of confidentiality, or those of any person to whom the evidence relates, outweigh the reasons for the issue of the summons, warrant or order; or
- (c) any person to whom the proposed evidence relates, on the grounds that he was not aware of any application for it and—
  - (i) that evidence is not likely to be material evidence, or
  - (ii) even if it is, his duties or rights, including rights of confidentiality, or those of the witness, outweigh the reasons for the issue of the summons, warrant or order.

(2) A person applying under the rule must—

- (a) apply in writing as soon as practicable after becoming aware of the grounds for doing so, explaining why he wants the summons, warrant or order to be withdrawn; and
- (b) serve the application on the court officer and as appropriate on—
  - (i) the witness,
  - (ii) the party who applied for the summons, warrant or order, and
  - (iii) any other person who he knows was served with the application for the summons, warrant or order.

(3) Rule 17.6 applies to an application under this rule that concerns a document or thing to be produced in evidence.

*[Note. See sections 2B, 2C and 2E of the Criminal Procedure (Attendance of Witnesses) Act 1965<sup>(1)</sup> for the Crown Court's powers to withdraw a witness summons, including the power to order costs.]*

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(1) 1965 c. 69; sections 2B, 2C and 2E were substituted with section 2 and 2A, for the existing section 2 by section 66(1) and (2) of the Criminal Procedure and Investigations Act 1996 (c. 25) and amended by section 109 of, and paragraph 126 of Schedule 8 to, the Courts Act 2003 (c. 39).

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**Status:** *This is the original version (as it was originally made).*

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