
STATUTORY INSTRUMENTS

2021 No. 849

The Criminal Procedure (Amendment No. 2) Rules 2021

Amendments to the Criminal Procedure Rules

10. In Part 31 (Behaviour orders)—

- (a) in rule 31.1 (When this Part applies), in paragraph (1) for “make, vary or revoke” substitute “make, vary, renew, discharge or revoke”;
- (b) in rule 31.5 (Application to vary or revoke behaviour order)—
 - (i) for the heading to the rule substitute “Application to vary, renew, discharge or revoke behaviour order”;
 - (ii) in paragraph (1) for “vary or revoke” substitute “vary, renew, discharge or revoke”;
 - (iii) for paragraph (2) substitute—
 - “(2) A person applying under this rule must—
 - (a) apply in writing as soon as practicable after becoming aware of the grounds for doing so, explaining—
 - (i) what material circumstances have changed, if any, since the order was made, and
 - (ii) why the order should be varied, renewed, discharged or revoked, by reference to the legislation under which it was made;
 - (b) in every case, serve the application on—
 - (i) the court officer, and
 - (ii) the prosecutor (unless the prosecutor is the person applying under this rule);
 - (c) unless the order was a restraining order, serve the application on, as appropriate—
 - (i) the person to whom the order was directed, and
 - (ii) any other person protected or affected by the order; and
 - (d) serve the application on any other person if the court so directs.”;
 - (iv) for paragraph (3) substitute—
 - “(3) A party who wants the court to take account of any particular evidence before making its decision must, as soon as practicable—
 - (a) in every case, serve notice on—
 - (i) the court officer, and
 - (ii) the prosecutor (unless the prosecutor is the party serving the notice);
 - (b) unless the order was a restraining order, serve the notice on, as appropriate—
 - (i) the person to whom the order was directed, and
 - (ii) any other person protected or affected by the order;

- (c) serve the notice on any other person if the court so directs; and
- (d) in that notice identify the evidence and attach any written statement that has not already been served.”,
- (v) for paragraph (4) substitute—
 - “(4) The court may decide an application under this rule—
 - (a) at a hearing, in public or in private; or
 - (b) without a hearing, if the legislation under which the order was made so allows.”,
- (vi) in paragraph (5)(b), after “hearing” insert “if none is otherwise required”,
- (vii) for paragraph (6) substitute—
 - “(6) The court officer must—
 - (a) if the order was a restraining order, serve the application under this rule on—
 - (i) as appropriate, the person to whom the order was directed and any other person protected or affected by the order, and
 - (ii) the relevant Chief Officer of Police;
 - (b) serve the application on any other person if the court so directs;
 - (c) serve any notice of evidence received by the court officer under paragraph (3) on—
 - (i) each person, if any, on whom the court officer serves the application under this rule, and
 - (ii) any other person if the court so directs; and
 - (d) give notice of any hearing to—
 - (i) the applicant, and
 - (ii) any person required to be served, by this rule or by the court.”, and
- (viii) in the first paragraph of the note to the rule, for “varied or revoked” substitute “varied, renewed, discharged or revoked”;
- (c) in rule 31.9 (Court’s power to vary requirements under this Part)—
 - (i) at the end of paragraph (b) insert “; and”, and
 - (ii) after paragraph (b) insert—
 - “(c) dispense with a requirement for service (even after service was required).”; and
- (d) amend the table of contents correspondingly.